

U.S. Department of
Homeland Security

United States
Coast Guard



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Subj: COAST GUARD LEGAL AUTHORITIES

1. PURPOSE. Legal officers often receive inquiries concerning the legal basis for various Coast Guard activities. This publication provides a quick reference to the statutory legal authorities related to many Coast Guard missions and support functions.
2. ACTION. Area and district commanders, commanders of maintenance and logistics commands, commanding officers of headquarters units, assistant commandants for directorates, Judge Advocate General, and special staff offices at Headquarters shall make this publication available as a reference to all Coast Guard Law Specialists under their supervision.
3. DIRECTIVES AFFECTED. This publication supersedes Coast Guard Legal Authorities Manual, COMDTPUB P5820.2B, dated April 2, 1999, and is available only in electronic form via the CG Central website at the following location: Resources->Directives->Commandant Publications-> 5000-5999 General Admin and Management -> CG Pub 5850.2C, Legal Authorities Manual.
4. CAUTION. This reference contains only selected legal authorities and is not an exhaustive listing. Instead, the reader will find general information and will be guided on how to locate sources which are more comprehensive. Refer requests for detailed analysis or legal opinions to your appropriate legal staff.
5. CHANGES. Units and individuals may write to: Commandant (G-LLX); U. S. Coast Guard; 2100 2nd Street SW, Room 1108; Washington, DC 20593-0001 to recommend changes, corrections, or additions.


J. E. CROWLEY, JR.
Judge Advocate General



U.S. Coast Guard Legal Authorities
Part I - Introduction

Part I: Introduction to Legislative law and the Coast Guard Legal Authorities Manual

1. FUNCTION OF THE LEGAL AUTHORITIES MANUAL. This reference provides access to two databases.
 - a. The first database is a collection of legal documents compiled by Coast Guard personnel. This collection of over 10,000 annotated documents includes relevant U.S. Code Provisions, Executive Materials, Public Laws and International Agreements. Most of these documents contain standard case law, and legislative history annotations as well as a listing of legislation pending in the current Congress. For convenience, these materials are offered in three distinct formats: a tree system listing provisions by subject matter, a tree system listing the sections by Code title; and an “index” file that allows users to search the entire database.
 - b. The interactive manual follows this memorandum. The interactive manual offers direct links to the listed sections via the Legal Information Institute, a service of Cornell University. In some instances, the number of relevant sections is too extensive to provide a complete set of direct links. When an extensive number of U.S. Code sections are needed, a direct link to the first section (and/or last section) is provided and users may obtain the remaining sections by using the “next” link in the upper right hand corner of the web page. In addition to the U.S. Code, the updated version contains links to Code of Federal Regulation sections; again, in some circumstances, the number of relevant sections is extensive. In such cases a direct link has been provided to the chapter or section index. Users can access or review the relevant sections by simply scrolling down the list.

2. VALIDATING STATUTORY AND REGULATORY SOURCES.

United States Code

Because both statutory and regulatory sources are subject to frequent change, it is important for users to be aware of the steps required to validate their legal sources. The primary method of validating statutory sources (absent access to a legal research service such as Westlaw) is to use the [Classification Table](#) created and updated by the [U.S. House of Representatives Office of Law Revision Counsel](#). The following information provides the basic elements of a legislative codification search to verify that a provision of the U.S. Code is current.

It is important to note a distinct characteristic of Federal law, that being, not all provisions of law have been codified, or enacted into “positive law.” In fact a significant number of titles in the U.S. Code are un-codified or non-positive



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law. These provisions, as they are set out in the code, are not themselves the law; rather they are prima facie evidence of (or representative of) the law.¹ Because they are not the “law” all non-positive code provisions listed in the U.S. Code are subject to rebuttal or appeal to the Revised Statutes and Statutes at Large.²

A second type of no-positive law is a “note.” Notes may occur in either enacted or un-enacted titles. Notes are generally provisions that have a limited duration, provide a specific order or represent a private bill.³ Additionally, most matters addressed in appropriations acts will be notes, as appropriations are of limited duration.

In the U.S. Code both positive law and non-positive law appear the same. The only way to distinguish between the two is to know whether the title with which you are working has been enacted. As of July 2004 the following U.S. Code Titles have been enacted into positive law; 1, 3,4,5,9,10,11,13,14,17, 18, 23, 28, 31, 32, 38, 39, 44, 46⁴. The enactment of these titles does not include the appendix to said titles unless the appendix is specifically enacted as well. As a consequence if your goal is to find the actual “law” you must go beyond the Published version of the Code to the Statutes at Large or the Public Law.

Finding the “actual law” or confirming the validity of a law, requires a starting point. For example let’s start with 36 CFR §60. This section’s statutory authority is drawn from, 16 U.S.C 470, (The National Historic Preservation Act of 1966, as amended) and from Executive Order 11593.⁵

Once you have determined the statutory citation, go to the [U.S. House of Representatives Office of Law Revision Counsel](#). On the Law Revision Counsel’s page select the “Classification Tables” link, which will take you to a page that looks like this⁶:

¹ Lawrence E. Filson, The Legislative Drafter’s Guide: Desk Reference, 337-41.

² Dennis Hassert, 1 U.S.C.A. Preface, Pg Xv (2002).

³ Bills introduced and subsequently passed to address a personal issue encountered by a private individual.

⁴ Note the enacted portion of Title 46 of the U.S. Code is limited to §§102 to 31343

⁵ . In addition, note that West Law provides the date that the regulation was last updated, Nov. 16, 1981 at 46 FR 56187.

⁶ It is advised that you use the “HTML” link under the “Sorted in U.S. Code” heading.



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2001 107th Congress, 1st Session Public Laws 107-1 to 107-136 Sorted in Public Law order (HTML format) (PDF format) * Sorted in U.S. Code order (HTML format) (PDF format) *	2002 107th Congress, 2nd Session Public Laws 107-137 to 107-377 Sorted in Public Law order (HTML format) (PDF format) * Sorted in U.S. Code order (HTML format) (PDF format) *	2003 108th Congress, 1st Session Public Laws 108-1 to 108-198 Sorted in Public Law order Sorted in U.S. Code order
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The above links will take you to the classification table for the listed congressional session. The tables list all the code sections that were affected during that specific session. Most searches only require that you review the most recent tables (or the two most recent). On occasion you may need to check all the available tables, particularly if the code section you're considering is not positive or "codified law."

For our provision we'll look at only the 1st Session of the 108th Congress (2003). The table shows the following:

U.S. Code Title	Section #	Description of the Change	Pub. L. #	(Pub L.) Sec.#	117 Stat (Statutes at large 117 Stat. 1271)
16	460a-5	nt new	108-108	138	1271

The above information indicates that 16 U.S.C. 460a-5 has been changed, specifically that there is a "new note" (nt. new) P.L. 108-108, Sec. 138. Once the public law number has been determined we can compare it to the original language on [Thomas](#) (Library of Congress's website) or on WestLaw.

3. **CODE OF FEDERAL REGULATIONS.** The Code of Federal Regulations (CFR) changes rapidly. As a consequence it is extremely important that personnel know the steps required to locate and validate CFR Provisions. The most accurate way to locate parallel authorities is to go to [The Parallel Table of Authorities and Rules](#) maintained by the Government Printing Office.



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- a. If our citation is 14 U.S.C. 2 we find the following:

14 U.S.C. 2.....33 Parts 1, 26, 80, 82

This tells us that parallel authorities for Title 14 Section 2 are 33 CFR Parts 1, 26, 80, 82.

A second way to locate parallel authorities is to use the U.S. Code links provided in the Legal Authorities Manual by selecting the “parallel authorities” link on the right hand side. While these are useful tools it is important to note that neither is one hundred percent accurate and further research may be required.

- b. To validate CFR Provisions users must view the “[Federal Register \(FR\)](#)” “[List of CFR Sections Affected \(LSA\)](#).” This table lists each title and all the sections that have been changed for example 5 CFR Part 293:

5 CFR	Page 51 FR
Chapter I	
110.201 OMB number; interim.....	36176
293 Authority citation revised.....	8410, 33235

This table tells us that the “Authority citation for this section has been revised and that the changes can be found in the Federal Register 51 at pages 8410 and 33235. By going to these pages in the FR the user can locate the nature of the change to this section.

4. INTERNATIONAL DOCUMENTS Finally, if a user needs to validate a treaty or international agreement the most reliable source is the [U.S. Department of State](#). The Department of State maintains a listing of all “[Treaties in Force](#)” and “[Treaty Actions](#).” These listings provide the most up-to-date information on international agreements.

Other helpful databases

Domestic:

National Archives and Government Printing Office

http://www.archives.gov/federal_register/executive_orders/disposition_tables.html

http://www.archives.gov/federal_register/publications/about_the_federal_register.html



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Government Printing Office

www.gpoaccess.gov

United States House of Representative U.S. Code Database

[Office of the Law Revision Counsel](http://www.house.gov/lawrevision/)

University of Minnesota Human Rights Library

<http://www1.umn.edu/humanrts/instree/ainstls1.htm>

Tufts University Fletcher School Edward Ginn Marine and Costal Collection

<http://fletcher.tufts.edu/multi/marine.html>

United Nations Document Research Page

<http://www.un.org/Depts/dhl/resguide/resins.htm> and main site www.un.org

5. SAVINGS CLAUSE AND TRANSFER OF AUTHORITY FROM THE DEPARTMENT OF TRANSPORTATION TO THE DEPARTMENT OF HOMELAND SECURITY.

The Homeland Security Act of 2002 codified at 6 U.S.C. §§551, 552, 552a, transfer the authorities and delegations relating to the United States Coast Guard from the Department of Transportation (DOT), to the Department of Homeland Security (DHS). The Act included a savings provision which preserves certain legal authorities references and delegations executed by DOT and transfers them to DHS.

References relating to an agency that is transferred to the Department in statutes, Executive orders, rules, regulations, directives, or delegations of authority that precede such transfer or the effective date of this Act shall be deemed to refer, as appropriate, to the Department, to its officers, employees, or agents, or to its corresponding organizational units or functions.

The result of these provisions is to give the legal authorities relied upon under the DOT effect of law under DHS. As a consequence, throughout the manual you will find occasional references to DOT regulations and materials. Although the transition from DOT to DHS is complete, some references to DOT authorities remain. The remaining references are related to regulatory implementation, administration and accountability. In time it is expected that these DOT references will be replaced by DHS references. However, users should use the listed DOT provisions as a starting point, always making sure that they take the time to validate the authority to which they intend to refer. If you have questions or concerns regarding a provision you are encouraged to consult your legal office before proceeding.



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PART II ADMINISTRATION

Chapter 1. Organization & Functions

Note: The Commandant derives his authority both directly from various statutes assigning the Coast Guard authority to perform certain functions, as well as from delegations of authority from the Secretary of Transportation. Secretarial delegations to the Commandant are compiled at 49 C.F.R. §1.46 and are included throughout this Manual. The Commandant has re-delegated most authority to subordinates at Headquarters and in the field, unless prohibited by law or Secretarial restriction. Most re-delegations are incorporated into the Coast Guard Organization Manual, COMDTINST M5400.7 (series), which empowers various commanders and staff officers to act for the Commandant in carrying out their assigned duties. However, the Commandant has reserved certain matters for personal review and action in the Delegation of Authority Manual, HQINST M5402.3D.

<i>Code Section</i>	<i>Summary of Provisions</i>	
10 U.S.C. 101	<u>Definition of “Armed Forces”.</u> Defines the terms "armed forces" & "uniformed services" as including the Coast Guard, and "Secretary concerned" as meaning the Secretary of Homeland Security for the Coast Guard when it is not operating as a service in the Navy.	
14 U.S.C. 2	<u>Primary Duties of the Coast Guard.</u> Sets out the primary duties of the Coast Guard, including its role as a specialized service in the Navy during time of war.	See generally 33 CFR 1-199; 46 CFR 1-199 33 CFR part 1 46 CFR part 2
14 U.S.C. 1, 3, 4	<u>Coast Guard as an Armed Force.</u> Establishes the Coast Guard as a military service and branch of the armed forces in the Department of Homeland Security, except when operating as a service in the Navy; and sets out policies concerning the Coast Guard's role as a service in the Navy during time of war.	See generally 33 CFR 1-199; 46 CFR 1-199 33 CFR part 1 46 CFR part 2
14 U.S.C. 81, 88, 89, 91, and 94 E.O. 7521	<u>General Functions & Powers.</u> Sets out the general functions and powers of the Coast Guard including: establishing aids to navigation, controlling the movement of vessels, conducting oceanographic research, saving life and property at sea, and enforcing federal law. The E.O. covers the use of vessels for ice breaking operations in channels and harbors.	See generally 33 CFR 1-199; 46 CFR 1-199 33 CFR part 1 46 CFR part 2



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14 U.S.C. 92	<u>General Powers of the Secretary.</u> Sets out the general powers of the Secretary concerning the administration and organization of the Coast Guard, authorizes the establishment of Coast Guard districts, the training of personnel, the acquisition of vessels and land, etc.	33 CFR part 74 33 CFR part 17 33 CFR part 50 33 CFR part 70 33 CFR part 76
14 U.S.C. 93	<u>General Powers of the Commandant.</u> Sets out the general powers of the Commandant.	33 CFR part 74
14 U.S.C. 141. See Also, 14 U.S.C.A. 142-148	<u>Assistance to/or from Other Agencies.</u> Authorizes the Coast Guard to render and receive assistance from federal, state, and local government agencies.	33 CFR part 74
14 U.S.C. 631	<u>Secretary's Delegation Authority.</u> Permits delegation of authority from the Secretary to the Commandant. <i>See also</i> E.O. 10637.	49 CFR 1
14 U.S.C. 632	<u>Commandant's Delegation Authority.</u> Authorizes the Commandant to execute all powers and functions conferred on the Coast Guard; to assign personnel; to delegate to Coast Guard personnel any necessary authority; and to issue rules, orders, and instructions relating to the administration of the Coast Guard.	33 CFR 1 and 3 33 CFR part 1 33 CFR part 74
14 U.S.C. 633	<u>Promulgation of Regulations.</u> Authorizes the promulgation of regulations appropriate to carry out the provisions of any law applicable to the Coast Guard	See Generally 33 CFR Part 1-154 http://www4.law.cornell.edu/cgi-bin/usc-cfr.cgi/14/633 For complete listing of parallel authorities.
14 U.S.C. 651	<u>Requirement for Annual Report.</u> Requires the Commandant, through the Secretary, to submit an annual report to Congress concerning the operations and expenditures of the Coast Guard. (<i>See also</i> 44 U.S.C. 1308 re: printing of annual report.)	



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47 U.S.C. 305	<u>FCC Licensing Exemption.</u> Exempts USCG radio facilities from licensing requirements and Federal Communications Commission control. (See 14 U.S.C. 829 re: radio stations assigned to Coast Guard duty deemed government stations.)	47 CFR part 80 47 CFR part 87 47 CFR part 97
49 U.S.C. 108	<u>Transition from Treasury to Transportation.</u> States that the Secretary of Transportation exercises all duties and powers related to the Coast Guard that were exercised by the Secretary of the Treasury and other officers and offices of the Department of Treasury prior to April 1, 1967. Also states that in addition to carrying out any other duties specified by law, the Commandant shall carry out duties prescribed by the Secretary.	33 CFR part 52
14 U.S.C. 152 , link not available at time of publication	The Coast Guard Exchange System, or a morale, welfare, and recreation system of the Coast Guard, may enter into a contract or other agreement with any element or instrumentality of the Coast Guard or with another Federal department, agency, or instrumentality to provide or obtain goods and services beneficial to the efficient management and operation of the Coast Guard Exchange System or that morale, welfare, and recreation system.	
E.O.12356	<u>Classification of National Security Material.</u> Provides for the classification and declassification of national security material.	33 CFR 158-59
E.O.10637	<u>Secretary's Delegation Authority.</u> Delegates to the Secretary of the Treasury [now Transportation] certain functions of the President relating to the Coast Guard.	
PL 107-296	<u>The Homeland Security Act.</u> Establishes the Department of Homeland Security and provides the organic parameters and authorities related to the agency	



Chapter 2. Fiscal Law, Procurement, & Personal Property

Section 2.01 Fiscal Law

Note: A Federal agency derives its funding through *appropriations* – legislation that enables the agency to incur obligations and expenditures for specified purposes, usually via annual appropriations acts effective for one fiscal year. Such spending authority is “discretionary,” in that Congress may choose to commit Federal budget authority in a different manner the following fiscal year. Congress may alternatively opt to avoid the necessity of annual appropriations for programs by enacting more permanent statutory appropriations, provide more funding stability, and perhaps even create legal entitlements to Federal funds (for example, Social Security). Congress usually accomplishes Federal agency funding, however, via annual, discretionary appropriations. Agencies may use appropriated funds only for *purposes* properly charged to a particular fund, for charges arising during the *time* such a fund is available for expenditure, and up to such *amounts* as are available in the particular fund. Unless all these requirements are satisfied, the expenditure is improper. Resolution of fiscal law issues requires detailed scrutiny of the specific language of the appropriation and authorization, as well as thorough knowledge of the governing principals of law. An appropriation should not be confused with an *authorization*.

An authorization to appropriate is *not* an appropriation. In its most simple terms, an *authorization act* (such as the “Coast Guard Authorization Act of 1998”) is a bill enacted into law that typically does two things with respect to a Federal agency: from a fiscal law standpoint, it authorizes Congress to appropriate funds under House and Senate rules and, from a substantive law standpoint, it authorizes or mandates agency action -- establishes a Federal program or prescribes an agency function or duty.

The Office of General Law (G-LGL) is responsible for resolving fiscal law issues regarding Coast Guard appropriations on behalf of the Judge Advocate General, including expenditure for procurements and acquisitions.



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Code Section	Summary of Provisions	Related CFRs
5 U.S.C. 5501	<u>Salaries.</u> Money accruing from lapsed salaries or from unused appropriations for salaries shall be deposited into the Treasury of the United States.	
31 U.S.C. 1301(a)(d)	<u>Appropriations.</u> A statute will not be construed as making an appropriation unless it expressly so states. Appropriations may be used only for their intended purposes.	
31 U.S.C. 1341	<u>Anti-Deficiency Act.</u> An agency may not spend money in advance of or excess of an appropriation.	
31 U.S.C. 1342	<u>Voluntary and Personal Services, Limitations.</u> The Government may not accept voluntary services except for emergencies involving the safety of human life or the protection of property. <i>But see</i> 14 U.S.C. 93(m) and (t) See Also, 33 CFR part 74 and 10 U.S.C. 1588 .	
31 U.S.C. 1349	<u>Administrative Discipline & Adverse Personnel Actions.</u> An officer or employee who violates 31 U.S.C. 1341 or 1342 shall be subject to appropriate administrative discipline.	
31 U.S.C. 1350	<u>Penalties.</u> An officer or employee who knowingly violates 31 U.S.C. 1341 or 1342 shall be fined no more than \$5,000.00, imprisoned for not more than two years, or both.	
31 U.S.C. 1501 31 U.S.C. 1502	<u>“Bona fide Needs” Rule & Obligations of the United States.</u> Appropriations made for a period of time may be used only for expenses properly incurred during that time. Generally precludes an agency from obligating a time-limited appropriation to meet the needs of a subsequent period. If a task is severable (can be separated into components, each of which can be independently performed to meet a separate need of the government), it must be funded by the appropriation for the period in which the need for each component arises. 1501 Sets for the requirements for the creation of an enforceable government obligation. <i>See Chapter 2.02, “Severable Services.”</i>	
31 U.S.C. 1532	<u>Crediting of Appropriations.</u> An amount in one appropriation may be credited to another appropriation only if authorized by law.	



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31 U.S.C. 1535	<u>Economy Act.</u> The head of an agency or major organizational unit within an agency may place an order with another agency or a major organizational unit within the same agency for goods or services and may use appropriated funds to pay the supplying agency or major organizational unit <i>if, and only if</i> , the requirements of this provision are met. (“Economy Act” agreements are for goods or services, in exchange for payment.)	48 CFR 17.5 32 CFR part 728 48 CFR part 2417
31 U.S.C. 1552	<u>Closing Fixed Appropriations.</u> A fixed appropriation shall be completely closed on 30 September of the 5th year after the period of availability of a particular fund has ended.	
31 U.S.C. 1553	<u>Adjustment and Liquidation of Obligations.</u> A fixed appropriation is available to adjust and liquidate obligations properly chargeable to the appropriation until the appropriation is closed pursuant to 31 U.S.C. § 1552.	
31 U.S.C. 3302(b)	<u>Receipts Deposited in Treasury.</u> Unless authorized by law, an agency may not keep money it receives from sources other than congressional appropriations, but must deposit the money in the Treasury.	31 CFR part 206 31 CFR part 208
14 U.S.C. 517 , link not available at time of publication, see data base.	<u>Travel Card Management.</u> Authorizes the Secretary to require that travel or transportation allowances due a civilian employee or military member of the Coast Guard be disbursed directly to the issuer of a Federal contractor-issued travel charge card, but only in an amount not to exceed the authorized travel expenses charged.	



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Non-Statutory Authorities

31 U.S.C. 9701 14 U.S.C. 664 46 U.S.C. 2110(a)	<p><u>“User Fees” - Charges for Government Service.</u></p> <p>Authorizes the heads of Federal agencies to promulgate regulations to establish and collect fees and charges for services and things of value provided by the Government. Coast Guard user fees are specifically authorized to be established pursuant to 31 U.S.C. 9701, under 14 U.S.C. 664 (title 14 services) and 46 U.S.C. 2110(a) (title 46 services). <i>See also</i> OMB Circular A-25.</p>	<p><u>See,</u> http://www4.law.cornell.edu/cgi-bin/usc-cfr.cgi/31/9701 For list of parallel authorities</p>
<p><u>Principles of Federal Appropriations Law, 2nd Ed.</u></p>	<p><u>GAO “Redbooks.”</u> Detailed interpretation of fiscal law principles, published by the General Accounting Office available in a three-volume binder set or via LEXIS database.</p>	
<p><u>Financial Resources Management Manual (FRMM), COMDTINST M7100.3 (series)</u></p>	<p><u>Coast Guard Administrative Controls.</u> Agencies are statutorily required to implement budgetary controls in order to account for funding received via appropriations. In the case of the Coast Guard, the principal guidelines are contained in the FRMM.</p>	



Section 2.02 Procurement, Sale, & Disposal of Personal Property

Note: In acquiring goods and services, a Federal agency must act in accordance with legal requirements prescribed by law and implemented by the Federal Acquisition Regulations (FAR), 48 C.F.R. Chapter 1 and the Department of Transportation Acquisition Regulations (TAR), 48 C.F.R. 1201.101-1253.370 and Coast Guard supplements thereto.

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
10 U.S.C. 2302 - 2332	<u>Armed Services Procurement Act.</u> Authorizes the Coast Guard (and DoD and NASA) to procure property (other than land) and services for which payment is to be made from appropriated funds. Provisions in chapter 137 of title 10 that apply to the procurement of property apply also to contracts for its installation or alteration. Provisions do not apply to all agencies uniformly. <i>Note: There is a complementary provision, 41 U.S.C. 252, which provides that chapter 4 of the Federal Property and Administrative Services Act does not apply to DoD, the Coast Guard, or NASA.</i>	48 CFR Chapter 1 (Federal Acquisition Regulations); 48 CFR 201.101-1253.370 (Transportation Acquisition Regulations) 32 CFR part 272 33 CFR part 210 32 CFR part 163
10 U.S.C. 2304	<u>Competition Requirements.</u> In conducting a procurement for property or services, requires the head of a Federal agency to obtain full and open competition through the use of competitive procedures in accordance with chapter 137 of title 10 and the FAR, with certain exceptions. Requires use of the competitive procedure or combination thereof that is best suited for the procurement. All Federal agency contract awards are covered by this statute. <i>See also, 31 U.S.C. 3551.</i>	48 CFR 1 32 CFR part 272 33 CFR part 210 32 CFR part 163
	<u>Non-Severable Services.</u> <i>See Chapter 2.01, “Bona fide Needs Rule.” See, 31 U.S.C. 1502</i>	



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10 U.S.C. 2410a-2410	<p><u>Severable Services & Requests for equitable Adjustment.</u> Authorizes the Secretary of Transportation with respect to the Coast Guard, to enter into contracts for severable services “across fiscal years” -- for a period that begins in one fiscal year and ends in the next, if the contract does not exceed one year. Allows the appropriation available at the beginning of contract performance to be charged for the total amount of the contract.</p> <p>A request for equitable adjustment to contract terms or request for relief under Public Law 85-804 (50 U.S.C. 1431 et seq.), that exceeds the simplified acquisition threshold may not be paid unless a person authorized to certify the request on behalf of the contractor certifies at the time the request is submitted that; the request is made in good faith; and the supporting data are accurate and complete to the best of that person's knowledge and belief. Defines “simplified acquisition threshold</p>	48 CFR 32.703-3
14 U.S.C. 93(h)	<p><u>Authority to Acquire Patrol Craft, Aircraft, and Vehicles.</u> Authorizes Commandant to design or cause to be designed, cause to be constructed, accept as gift, or otherwise acquire patrol boats and other small craft, and to equip, operate, maintain, supply, and repair such patrol boats, other small craft, aircraft, and vehicles.</p>	33 CFR part 74
14 U.S.C. 93(i)	<p><u>Authority to Acquire Aids to Navigation and Other Equipment and Supplies.</u> Authorizes Commandant to acquire, accept as gift, maintain, repair, and discontinue aids to navigation, appliances, equipment, and supplies.</p>	33 CFR part 74
14 U.S.C. 96	<p><u>Prohibition on overhaul, repair, and maintenance of Coast Guard vessels in foreign shipyards.</u> Prohibits the overhaul, repair, or maintenance of Coast Guard vessels homeported in a State to be made in foreign shipyards, except for voyage repairs.</p>	
14 U.S.C. 97	<p><u>Procurement of Buoy Chain.</u> Prohibits procurement of foreign-made buoy chain except in cases of an emergency or when the price of buoy chain in the United States is “unreasonable.”</p>	



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14 U.S.C. 641(a)	<u>Disposal of Material to Auxiliary, Public Body, or Other Non-Profits.</u> Authorizes the Commandant to dispose of obsolete material, with or without charge, to the Auxiliary, sea-scout service of the Boy Scouts, or any public body or non-profit organization, subject to applicable regulations under the Federal Property and Administrative Services Act of 1949.	41 CFR 101 33 CFR part 1 33 CFR part 76
14 U.S.C. 641(b)	<u>Sale of Equipment.</u> Permits the Commandant to sell, in accordance with regulations, equipment manufactured by, or in use in the Coast Guard, which is not readily procurable on the open market. Proceeds are to be credited to Coast Guard appropriations.	33 CFR part 1 33 CFR part 76
14 U.S.C. 641(c)	<u>Sale of Recyclable Materials.</u> Authorizes the Commandant to provide for the operation of recycling programs and the sale of recyclable materials held by the Coast Guard. Proceeds are to be credited to funds available for operations and maintenance at the selling installation, subject to certain limitations.	33 CFR 1, 24, 76
14 U.S.C. 650	<u>Supply Fund.</u> Authorizes a Coast Guard Supply Fund.	
22 U.S.C. 2321j	<u>Transfer of Excess Defense Articles.</u> Authorizes the President to transfer certain excess defense articles, including excess Coast Guard property, to foreign countries approved by Congress.	
5 U.S.C. 571 et seq.	<u>Administrative Disputes Resolution Act of 1996.</u> Gives the United States Federal District Courts and the United States Court of Federal Claims jurisdiction over bid protests against Coast Guard procurements without regard to whether the suit is instituted before or after the contract is awarded. Without additional action from Congress, the statutory jurisdiction granted to the Federal District Courts will expire on 1 January 2001. See P.L. 104-320 (10-19-96) for full text of Act.	



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31 U.S.C. 3551	<p><u>Procurement Protest System.</u> Authorizes the Comptroller General to hear contract protests. The jurisdiction of the Comptroller General over Coast Guard procurements depends on the nature of the transaction. The statute defines a “protest” as a written objection to a “procurement of property or services” by a “federal agency” as defined in 40 U.S.C. 472.</p>	<p>4 CFR. 21.0-21.14 (Bid Protest Rules); FAR Part 33</p> <p>48 CFR part 2433</p>
37 U.S.C. 1011	<p><u>Mess Expenses.</u> Authorizes the Secretary of Homeland Security to establish rates for meals sold at dining facilities and to reimburse mess expense operations for the cost of those meals when the Coast Guard is not operating as part of the Navy.</p>	
<p>40 U.S.C. 101-124. See Also 41 U.S.C. 251-265</p>	<p><u>Federal Property and Administrative Services Act of 1949 (FPASA).</u> Governs the procurement, supply, use, and disposal of Federal property and some services. “Property” includes all interests in property except public domain; national forest or national park lands; minerals in withdrawn or certain reserved public domain lands; major classes of naval vessels; and records of the Federal Government.</p> <p>Imposes upon each executive agency the responsibility (1) to maintain adequate inventory controls and accountability systems for its property, (2) to survey its property continuously to determine which is excess to its needs and promptly report excess property to the Administrator, (3) to care for such excess property, and (4) transfer or dispose of such property in accordance with authority delegated and regulations prescribed by the Administrator. Provides that the authority conferred by FPASA is in addition, and paramount, to any authority conferred by any other law.</p> <p>Governs disposal of excess and surplus property of the Government. "Excess property" means any property under the control of a Federal agency not required for its needs and responsibilities as determined by the agency head. "Surplus property" means any property that has been declared excess by a particular Federal agency and which, after a survey of the needs of other Federal agencies, is determined by the Administrator of General Services to be no longer required by the Federal Government as a whole.</p> <p>Some Coast Guard property and procurements are covered by FPASA and some by the Armed Services Procurement Act, 10 U.S.C. 2301 <i>et seq.</i> See also, <i>Chapter 3, Real Property.</i></p>	<p>41 CFR 101 32 CFR part 736 34 CFR part 12 32 CFR part 189</p>



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41 U.S.C. 601 et seq	<u>Contract Disputes Act.</u> A Coast Guard contractor has the right to appeal a contracting officer's final decision to either the Department of Transportation Board of Contract Appeals or the United States Court of Federal Claims. Appeals of contracting officer final decisions relating to leases for government housing are included in the jurisdiction of the Board and the Court of Federal Claims under the CDA.	48 CFR 6301-6302.38 (Board of Contract Appeals Rules of Procedure) 7 CFR part 24 10 CFR part 1023 24 CFR part 20 38 CFR part 1 43 CFR part 4 48 CFR part 6101 48 CFR part 6102 48 CFR part 6103 48 CFR part 6104 48 CFR part 6105
14 U.S.C. 658	<u>Confidential Investigation.</u> Confidential investigative expenses authorized	



Chapter 3. Real Property

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
10 U.S.C. 2571(a)	<u>Transfer of Real Property & Supplies.</u> Authorizes the Commandant to transfer, without compensation, any real property and supplies between the Coast Guard and any other U.S. armed force.	49 CFR 1.46(b) ; 32 CFR 736 , 623
14 U.S.C. 92(f)	<u>Land Acquisition.</u> Authorizes the Commandant to acquire land or interests in land.	49 CFR 1.46 33 CFR part 74 33 CFR part 17 33 CFR part 50 33 CFR part 70 33 CFR part 76
14 U.S.C. 92(g)	<u>Land Acquisition Exchange.</u> Authorizes the Commandant to exchange land or interests in land in part or in full payment for other land or interests in land.	49 CFR 1.46 33 CFR part 74 33 CFR part 17 33 CFR part 50 33 CFR part 70 33 CFR part 76
14 U.S.C. 93(i)	<u>Authority to Acquire Aids to Navigation & Other Equipment and Supplies.</u> Authorizes the Commandant to acquire, maintain, repair & discontinue aids to navigation, appliances, equipment, and supplies by purchase, transfer from an armed force, gift, lease, permit, license, or other use agreement.	33 CFR part 74
14 U.S.C. 93(n)	<u>Rent & Outlease.</u> Authorizes the Commandant to rent or lease Coast Guard controlled property to non-Federal entities for a period not to exceed five years. <i>See also</i> 14 U.S.C. 685 .	33 CFR part 74
14 U.S.C. 93(o)	<u>Granting Easements, Licenses, & Permits.</u> Authorizes the Commandant to grant, to non-Federal entities, easements, licenses, and permits over, across, in, and upon land under Coast Guard control.	33 CFR part 74



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14 U.S.C. 93(t)	<u>Cooperative Agreements to Maintain Historic Resources.</u> Authorizes the Commandant to enter into cooperative agreements with States, local governments, non-governmental organizations, and individuals, to accept and utilize voluntary services for the maintenance and improvement of natural and historic resources on, or to benefit natural and historic research on, Coast Guard facilities. <i>See also</i> 16 U.S.C. 470	33 CFR part 74
14 U.S.C. 475	<u>Lease of Housing Quarters.</u> Authorizes the Commandant to lease existing housing for Coast Guard military personnel and their dependents when there is a lack of adequate housing at or near Coast Guard facilities within and outside of the United States. <i>See also</i> E.O. 11645 (authorizing the Secretary of Transportation, or the Commandant by delegation, to prescribe regulations on the leasing of rental housing).	49 CFR 1.46(o)
14 U.S.C. 669	<u>Installation & Maintenance of Residential Telephone Wiring.</u> Authorizes the Secretary of Homeland Security to expend appropriated funds for the installation, repair, and maintenance of telephone wiring in residences owned or leased by the United States Government, and if necessary for national defense purposes in other private residences.	
14 U.S.C. 670	<u>Acquisition of Coast Guard Housing.</u> Authorizes the Commandant to acquire, real property, including condominium units, by purchase or lease for a term not to exceed five years, for use as Coast Guard housing units. (Subject to the availability of appropriations sufficient to cover the full obligations.)	49 CFR 1.46
14 U.S.C. 671	<u>Air Station Cape Cod Improvements.</u> Authorizes the Secretary to expend funds for the repair, improvement, restoration, or replacement of support buildings at Coast Guard Air Station Cape Cod.	
14 U.S.C. 672	<u>Leasing Real Property for ATON.</u> Authorizes the Commandant, subject to the availability of appropriations, to enter into lease agreements to acquire real property interests therein for a term not to exceed 20 years (inclusive of any automatic renewal clauses), for aids to navigation sites, vessel traffic service sensor sites, or National Distress System high level antenna sites.	49 CFR 1.46



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14 U.S.C. 680-689	<u>Housing Authorities.</u> Establishes a Coast Guard Housing Fund and special financing mechanisms for Coast Guard housing projects, including loan guarantees and limited partnerships with non-governmental entities. Authorizes conveyances to private persons for purposes of this chapter and authorizes the use of the proceeds of those conveyance s to further those purposes. Prohibits the acquisition or construction of military housing unless approved by designated House and Senate Committees.	49 CFR 1.46(iii)
16 U.S.C. 470-470-1	<u>National Historic Preservation Act (NHPA).</u> Establishes the nation's historic preservation policies and requires every Federal agency to take into account how each of its undertakings could affect historic properties using a mandated review process.	36 CFR 60, 65, 78, 800 18 CFR part 6 7 CFR part 650 32 CFR part 552 33 CFR part 209 36 CFR part 63 36 CFR part 800 36 CFR part 801 36 CFR part 805 36 CFR part 810
16 U.S.C. 470-470-1	<u>National Historic Preservation Act (NHPA).</u> Establishes the nation's historic preservation policies and requires every Federal agency to take into account how each of its undertakings could affect historic properties using a mandated review process.	36 CFR 60, 65, 78, 800 18 CFR part 6 7 CFR part 650 32 CFR part 552 33 CFR part 209 36 CFR part 63 36 CFR part 800 36 CFR part 801 36 CFR part 805 36 CFR part 810
14 U.S.C. 687 link not available at time of publication, see data base.	<u>Coast Guard Housing Fund.</u> Establishing the Coast Guard Housing Fund	



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40 U.S.C. 101 to 124, & 41 U.S.C. 251- 265	<p><u>Federal Properties and Administrative Services Act of 1949.</u> Principal law governing the utilization and disposal of real property controlled by Federal agencies. Places extensive responsibility and authority with the General Services Administration (GSA) for the control, regulation, disposal, and utilization of Federal real property. FPASA governs the procurement, supply, use, and disposal of Federal property and some services. “Property” includes all interests in property except public domain; national forest or national park lands; minerals in withdrawn or certain reserved public domain lands; major classes of naval vessels; and records of the Federal Government.</p> <p>Imposes upon executive agency the responsibility (1) to maintain adequate inventory controls and accountability systems for its property, (2) to survey its property continuously to determine which is excess to its needs and promptly report excess property to the Administrator, (3) to care for such excess property, and (4) transfer or dispose of such property in accordance with authority delegated and regulations prescribed by the Administrator.</p> <p>Provides that the authority conferred by FPASA is in addition, and paramount, to any authority conferred by any other law.</p> <p>Governs disposal of excess and surplus property of the Government. “Excess property” means any property under the control of a Federal agency not required for its needs and responsibilities as determined by the agency head. “Surplus property” means any property that has been declared excess by a particular Federal agency and which, after a survey of the needs of other Federal agencies, is determined by the Administrator of General Services to be no longer required by the Federal Government as a whole.</p>	41 CFR 101 (Federal Property Management Regulations)
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Chapter 4. Records and Public Affairs

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
5 U.S.C. 552	<u>Freedom of Information Act (FOIA).</u> Provides public right to access agency records unless such records are specifically exempted from disclosure.	33 CFR 1.10 ; 49 CFR 7 See, http://www4.law.cornell.edu/cgi-bin/usc-cfr.cgi/5/552 , For complete listing
5 U.S.C. 552a	<u>Privacy Act.</u> Restricts the disclosure of personal information by Federal agencies; provides right to access most personal information about requester that is held by a Federal agency.	49 CFR 10 See, http://www4.law.cornell.edu/cgi-bin/usc-cfr.cgi/5/552 , For complete listing
14 U.S.C. 93(f)	<u>Public Affairs Program.</u> Authorizes the collection, publication, and distribution of information about Coast Guard operations.	33 CFR part 74
14 U.S.C. 336	<u>Coast Guard Band.</u> Authorizes the CG Band.	
14 U.S.C. 640	<u>Sale of Recordings.</u> Authorizes the Coast Guard Band to produce recordings for commercial sale.	
14 U.S.C. 659	<u>Assistance to Film Producers.</u> Authorizes assistance by the Coast Guard to film producers, including the use of vessels, aircraft, & personnel, on a reimbursable basis.	
44 U.S.C. 2904 to 2909 selected provisions	<u>Records Management.</u> Requires agencies to control the creation, maintenance, and retirement of records; and recordkeeping practices.	36 CFR 1220 , 1222 , 1228 , 1230 , 1232 , 1234 , 1236 , 1238
46 U.S.C. 6302	<u>Marine Casualty Investigations.</u> Requires that investigations be open to the public.	
E.O. 11593	<u>Historical Preservation.</u> Provides for preservation of the history and culture of the Nation.	36 CFR 60 , 65 , 78 , 800



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E.O. 12600	<u>Confidential Commercial Information.</u> Governs release of confidential commercial information.	33 CFR 1.10; 49 CFR 7
E.O. 12937	<u>Declassification of Selected Records.</u> Governs declassification of selected records.	33 CFR 1.10; 49 CFR 7
E.O. 12958	<u>Classified National Security Information.</u> Governs classification of national security information.	33 CFR 1.10; 49 CFR 7
P.L. 105-383 (♣ 202) See 14 U.S.C. 93 W	<u>External Awards Programs.</u> Authorizes honorary recognition of individuals and organizations, including State and local governments and commercial and nonprofit organizations that significantly contribute to Coast Guard programs, missions, or operations by awarding plaques, medals, and similar items.	33 CFR part 74



Chapter 5. International Affairs

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
1 U.S.C. 112b	<u>Prior Consultation on International Agreements.</u> Requires all agencies to consult with the Secretary of State prior to concluding any international agreements.	22 CFR 181
14 U.S.C. 142	<u>Information Exchange with Foreign Governments.</u> Authorizes the Coast Guard to exchange information with foreign governments and to suggest to the Secretary of State international collaboration and conferences on matters dealing with the safety of life and property at sea.	
14 U.S.C. 149	<u>Assisting Foreign Governments.</u> Authorizes the Coast Guard to detail personnel to assist foreign governments under stated conditions.	
14 U.S.C. 150	<u>Assignment as Attaché.</u> Authorizes the Coast Guard to assign officers as attaches to U.S. overseas missions under stated conditions.	
14 U.S.C. 195	<u>Foreign Students at the USCGA.</u> Authorizes training for foreign students at Coast Guard Academy.	
14 U.S.C. 632	<u>Assignment to Foreign Countries.</u> Authorizes the Coast Guard to assign personnel to duty in foreign countries under stated conditions.	33 CFR part 1 33 CFR part 74
22 U.S.C. 2321j	<u>Transfer of Excess Defense Articles.</u> Authorizes the President to transfer certain excess defense articles, including excess Coast Guard property, to foreign countries approved by Congress.	
22 U.S.C. 2347	<u>Military Training of Foreign Personnel.</u> Authorizes the President to furnish military education and training to foreign military and civilian personnel.	32 CFR part 744
22 U.S.C. 2357	<u>Reimbursement from International Organizations.</u> Authorizes federal agencies (including the Coast Guard) to receive reimbursement from another government or international organization (i.e., International Maritime Organization).	32 CFR 555, 728, 744



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International Instruments

- ◆ *Convention on the Intergovernmental Maritime Consultative Organization* (1948), 9 UST 621, TIAS 4044, 289 UNTS 48. Amendments (1954), 18 UST 1299, TIAS 6288, 607 UNTS 276; (1965), 19 UST 4855, TIAS 6490, 649 UNTS 334; (1974), 28 UST 4607, TIAS 8608; (1975), TIAS 10374; (1977). Established Intergovernmental Maritime Consultative Organization (IMCO) as an international technical organization devoted to protection and enhancement of worldwide maritime operations and preservation of the marine environment. IMCO has been renamed the International Maritime Organization (IMO).
- ◆ *Vienna Convention on the Law of Treaties*, 8 I.L.M. 673 (1969), AFP 110-20.



Chapter 6. Military Justice

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
10 U.S.C. 801-956 selected provisions	<u>Establishes UCMJ.</u> Establishes the Uniform Code of Military Justice (UCMJ) and provides that Coast Guard members are subject to its provisions.	28 CFR 527 ; 32 CFR 25. 143, 150, 527, 534, 536, 630, 650; 719, 755, 765, 842, 883, 884, 901
10 U.S.C. 936	<u>Administration of Oaths.</u> Authorizes commissioned and warrant officers to administer oaths for the purposes of military justice and formal administrative proceedings.	32 CFR part 143 32 CFR part 630
10 U.S.C. 938	<u>Military Requests for Redress of Wrongs.</u> Authorizes any member of the Coast Guard who believes him/herself wronged by their commanding officer, and is refused redress, to complain to any superior commissioned officer.	32 CFR part 143 32 CFR part 630
10 U.S.C. 951 et seq.	<u>Correctional Facilities.</u> Establishes provisions for military correctional facilities and confinement, including parole, suspension of sentence, probation, and expenses related to deserters, prisoners, and members absent without leave.	
USN/USCG MOU	<u>Naval Legal Services Office (NLSO) Memorandum of Understanding.</u> Provides for defense & prosecution services in exchange for detailing of law specialists to regional NLSOs.	
42 U.S.C. 10606	<u>Victims' Rights.</u> Agencies of the U.S. that investigate or prosecute crimes shall make best efforts to assure that victims of crime are accorded the right to: be treated with fairness and respect; be reasonably protected from the accused; be notified of court proceedings; be present at public court proceedings, confer with the government attorney in the case; receive restitution; and be informed about the conviction, sentencing, imprisonment, and release of the offender.	



Chapter 7. Ethics in Government

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
5 U.S.C. 7321-7326	<u>Prohibition Against Political Activity (Hatch Act).</u> Prohibits employees from engaging in political activity while acting in an official capacity.	5 CFR 733, 734
10 U.S.C. 977	<u>Operation of Commissary Store.</u> Prohibits assignment of any member of the armed forces on active duty to the operation of a commissary store.	
10 U.S.C. 1033	<u>Participation in Non-Federal Entities.</u> Authorizes the Secretaries of Defense and Homeland Security to permit members of the armed forces under their jurisdiction to serve as a director, officer, or trustee, or otherwise participate in the management of, a military welfare society, including Coast Guard Mutual Assistance, and other designated nonprofit entities.	5 CFR 2635.401-403, 2635.802
10 U.S.C. 1034	<u>“Whistle Blower” Protection.</u> Prohibits reprisal or taking of unfavorable personnel action because a member makes or prepares to make a lawful communication to an Inspector General, CGIS agent, or member of Congress.	33 CFR 53
18 U.S.C. 201-203	<u>Prohibition Against Using Public Office for Private Gain.</u> Prohibits, define and provides rules regarding bribery, improper financial relationships, waste, fraud, abuse, and corruption in government.	5 CFR 2636-2641 (Standards of Ethical Conduct for Employees of the Executive Branch – note that this provision mandates the collection and review of financial disclosure statements) 24 CFR part 0 12 CFR part 511 29 CFR part 2202 32 CFR part 1293 19 CFR part 161



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18 U.S.C. 1913	<u>Anti-Lobbying Provisions.</u> Provides that appropriated funds may not be used directly or indirectly for lobbying Members of Congress. DHS and Related Agencies Appropriations Acts typically contain boilerplate addressing this issue. <i>See, e.g.,</i> P.L. 105-277, ♣2(g) [DOT appropriation], General Provisions, ♣327. <i>See also,</i> OMB Circular A-11, ♣12.9 regarding testimony and influencing Members of Congress. <i>Note the obvious requirement that Executive agencies furnish information to Congressional committees upon request,</i> 5 U.S.C. 2954 .	
E.O. 12674 as amended	<u>Principles of Ethical Conduct for Government Officers and Employees.</u> Establishes baseline standards for ethical conduct in areas concerning gifts from outside sources, gifts between employees, conflicting financial interests, fundraising activities, impartiality in performing official duties, outside employment & activities, and misuse of position.	5 CFR 2635



PART III HUMAN RESOURCES

Chapter 8. Active Duty Personnel Section 8.01 General Provisions.

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
10 U.S.C. 1044a	<u>Legal Assistance and Notarial Power.</u> Authorizes Coast Guard law specialists and civilian Coast Guard legal assistance attorneys to provide legal assistance to Coast Guard personnel on a resources available basis. Delegates law specialists and civilian Coast Guard legal assistance attorneys the authority to render notarial acts. Specifies personnel eligible to administer oaths for the purposes of military justice and formal administrative proceedings	
10 U.S.C. 1044b	<u>Military Power of Attorney.</u> Exempts a military power of attorney from requirements of state law and requires it to be given the same legal effect as a power of attorney prepared and executed in accordance with the laws of the state concerned.	
10 U.S.C. 1044c	<u>Advance Medical Directives.</u> Exempts a military advance directive from requirements of state law and requires it to be given the same legal effect as an advance military medical directive prepared and executed in accordance with the laws of the state concerned.	
10 U.S.C. 1054	<u>Defense of Certain Suits Arising out of Legal Malpractice.</u> The remedy against the U.S. provided by sections 1346(b) and 2672 of title 28 for damages for injury or loss of property caused by the negligent or wrongful act or omission of any person who is an attorney, paralegal, or other member of a legal staff within the Coast Guard, in connection with providing legal services while acting within the scope of their duties, is exclusive of any other civil action or proceeding.	



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Part III – Human Resources

10 U.S.C. 1058	<u>Responsibilities of Military Law Enforcement at Officials at Scenes of Domestic Violence.</u> Requires the Secretary to promulgate regulations defining domestic violence and establishing procedures for military domestic violence cases. Requires the Secretary to ensure, in any case of domestic violence in which physical injury has been inflicted or a deadly weapon used, that military law enforcement officials take immediate measures to reduce the potential for further violence, and within 24 hours provide a report to the commander and to a local military family advocacy representative.	
10 U.S.C. 1059	<u>Transitional, Commissary and Exchange Benefits for Abused Dependents.</u> Authorizes payment of monthly transitional and compensation benefits to dependents of members separated for dependent abuse.	
14 U.S.C. 93(t)	<u>Volunteers.</u> Permits the Coast Guard to enter into cooperative agreements with states, local governments, non-governmental organizations and individuals to accept and utilize voluntary services for certain purposes.	33 CFR part 74
14 U.S.C. 93(v)	<u>Access to National Driver Register.</u> Authorizes the Commandant access to the National Driver Register (NDR). The NDR maintains a central file of state reports on drivers whose licenses have been withdrawn, denied, or suspended or who have been convicted of certain serious traffic-related violations. The law applies to any active duty member, reserve member, member of another uniformed service assigned to the Coast Guard, and applicants for appointment or enlistment. <i>See also</i> 49 U.S.C. 30305(b)(7) .	33 CFR part 74
14 U.S.C. 93(w)	<u>Honorary Recognition for Volunteers.</u> Provides for honorary recognition of individuals and organizations that significantly contribute to Coast Guard programs, missions and operations.	33 CFR part 74
14 U.S.C. 335	<u>Physical Fitness of Officers.</u> The Secretary shall prescribe physical fitness regulations.	
14 U.S.C. 336	<u>Band Director.</u> Establishes a Coast Guard band and provides for its makeup and rank of the members and the band director.	



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14 U.S.C. 432	<u>Personnel of Former Lighthouse Service.</u> All persons of the former Lighthouse Service commissioned, appointed, or enlisted in the Coast Guard shall be subject to all laws and regulations for the government of the Coast Guard.	
14 U.S.C. 374 , link not available at time of publication	<u>Critical skill training bonus.</u> The Secretary may provide a bonus, not to exceed \$20,000, to an enlisted member who completes training in a skill designated as critical, if at least four years of obligated active service remain on the member's enlistment at the time the training is completed	



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Section 8.02 Coast Guard Academy

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
10 U.S.C. 516	<u>Enlisted Obligation Upon Acceptance to Coast Guard Academy.</u> The enlistment or period of obligated service of an enlisted member who accepts an appointment as a cadet at the Coast Guard Academy may not be terminated because of acceptance of the appointment	
10 U.S.C. 702	<u>Cadet Leave.</u> Graduates of the US Coast Guard Academy who are appointed in a regular component of an armed force may at the discretion of the Secretary be granted graduation leave not exceeding 60 days.	
10 U.S.C. 1217	<u>Cadets Not Eligible for PDES System.</u> Chapter 61 of Title 10, Retirement or Separation for Physical Disability, does not apply to cadets at the Coast Guard Academy.	32 CFR part 728
14 U.S.C. 181-196	<u>Coast Guard Academy.</u> Sets out the functions and the organization of the Coast Guard Academy, and authorizes the Academy to compete for and accept Federal, State, or other educational research grants.	33 CFR Part 40
20 U.S.C. 1681(a)(4)	<u>Service Academy Exemption from Title IX Requirements.</u> The Coast Academy is not held liable under Title IX which prohibits gender discrimination.	10 CFR part 1040 13 CFR part 113 7 CFR part 15a 34 CFR part 270 34 CFR part 106 45 CFR part 86 29 CFR part 34 34 CFR part 222 38 CFR part 21
37 U.S.C. 203(b)	<u>Special Longevity Pay for PCTS Faculty at the Coast Guard Academy.</u> Those serving as permanent professors at the US Coast Guard Academy are, under certain circumstances, entitled to special pay.	
37 U.S.C. 404, 410 & 422	<u>Cadet Travel and Transportation.</u> Cadets are entitled to travel and transportation allowances when traveling to the Academy, while under orders and on discharge.	



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38 U.S.C. 101(22)(d)	<u>VA Benefits.</u> Cadets are considered on active duty for certain VA benefits.	38 CFR part 3 5 CFR part 720 32 CFR part 70 34 CFR part 674 38 CFR part 3 38 CFR part 21
38 U.S.C. 1965	<u>Servicemen’s Group Life Insurance.</u> Cadets are considered on active duty for purposes of SGLI benefits.	38 CFR part 9
38 U.S.C. 3011 & 3012	<u>Montgomery GI Bill.</u> Academy graduates are not eligible for VA Benefits under the Montgomery GI Bill.	
14 U.S.C. 197, link not available at time of publication.	<u>Charges and Fees to Cadets.</u> limitations on charges and fees for attendance.	



Section 8.03 Officers

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
14 U.S.C. 41, 41a, 42, 44, 46, 47, 50, 51, 52.	<u>Composition & Organization of the Officer Corps.</u> Establishes the grades and ratings of personnel in the Coast Guard and the active duty promotion list. Also contains provisions relating to the authorized number of commissioned officers and to the appointment and retirement of certain senior officers.	
14 U.S.C. 211 and 214	<u>Requirements for Original Appointment of Officers.</u> Establishes the requirements for the original appointments of commissioned, warrant, and temporary officers in the Coast Guard.	
14 U.S.C. 214	<u>Vacation of Appointments.</u> Authorizes the Coast Guard to vacate the appointments of temporary commissioned officers.	
14 U.S.C. 251-262	<u>Eligibility & Selection of Officers for Promotion.</u> Provisions relating to the function, composition and procedures of selection boards; eligibility for promotion; and the effect of failure of selection for promotion. These sections apply to permanent commissioned officers and reserve officers on extended active duty.	
14 U.S.C. 271-277	<u>Promotion.</u> Provisions concerning the promotion of officers, including appointment, removal from a promotion list, acceptance, pay and allowances, and wartime temporary service promotions.	
14 U.S.C. 289-290	<u>Captains; Rear Admirals and Rear Admirals (lower half); Continuation and Involuntary Retirement.</u> Provisions concerning the continuation or retirement of Captains and Rear Admirals in the regular Coast Guard.	49 CFR 1.46(i)
14 U.S.C. 373	<u>Aviation cadets; appointment as Reserve officers.</u> An aviation cadet who fulfills the requirements for designation as a naval aviator may be appointed as ensign in the Coast Guard Reserve and designated a Coast Guard aviator.	



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14 U.S.C. 728	<u>Promotion of Reserve Officers on Extended Active Duty.</u> Provides for reserve officers promotion under the provisions applicable to permanent commissioned officers.	
38 U.S.C. 1965	<u>Servicemen's Group Life Insurance.</u> Cadets are considered to be on active duty for the purpose of SGLI	
38 USC 3011 & 3012	<u>Montgomery GI Bill.</u> Academy graduates are not eligible for MGIB.	



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Section 8.04 Enlisted Personnel

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
10 U.S.C. 501	<u>Definition of Enlistment.</u> Enlistment means original enlistment or re-enlistment.	
10 U.S.C. 502	<u>Oath of Enlistment.</u> Sets out the oath of enlistment and authorizes any commissioned officer to administer the oath.	
10 U.S.C. 504	<u>Disqualification.</u> Sets out specific criteria for disqualification from enlistment. Authorized exemptions may be made.	32 CFR part 96
10 U.S.C. 505	<u>Qualifications, Terms, Grade of Enlistment.</u> Permits the acceptance of original enlistment in the regular Coast Guard. Amended by P.L.104-201 to permit the re-enlistment of non-commissioned officers with 10 or more years of service for indefinite periods of time.	32 CFR part 96
10 U.S.C. 506	<u>Wartime Enlistment.</u> Enlistment in effect at the beginning of a war, or entered into during a war, unless sooner terminated by the President, continues in effect until six months after the termination of that war.	
10 U.S.C. 507 & 14 U.S.C. 366	<u>Extension of Enlistment for Medical Care.</u> Authorizes the extension of enlistment for members requiring medical care for injuries incident to service and not due to misconduct.	
10 U.S.C. 508	<u>Re-enlistment.</u> Authorizes re-enlistment and sets out certain qualifications for eligibility.	
10 U.S.C. 509 & 14 U.S.C. 365	<u>Voluntary Extensions.</u> Authorizes the voluntary extension of enlistment. Certain time frames are defined.	
10 U.S.C. 513	<u>Enlistment; Delayed Entry Program.</u> Authorizes the Secretary to extend to 18 months the maximum period that a person can remain in the Delayed Entry Program.	
10 U.S.C. 519	<u>Temporary Enlistment During War or Emergency.</u> Temporary enlistment entered into during time of war or during Congressionally declared emergency shall be for the duration of the war or emergency plus six months.	



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10 U.S.C. 520	<u>Limitation on Enlistment of Low AFQT Scorers.</u> Sets limitations on the number of persons who may be enlisted whose scores on the Armed Forces Qualification Test (AFQT) are below the prescribed level.	
10 U.S.C. 651	<u>Required Service.</u> Requires all armed service members to serve an initial period of not less than six years nor more than eight years, and requires that any portion of that duty not served on active duty be performed in a reserve component.	32 CFR part 114 32 CFR part 100
14 U.S.C. 351-352	<u>Authority for Enlistment & Promotion.</u> Authorizes the enlistment of personnel, establishment of various grades and ratings for enlisted personnel, and the promulgation of regulations for the promotion of enlisted personnel.	33 CFR 45.1
14 U.S.C. 357	<u>Involuntary Retirement of Enlisted Members.</u> Enlisted members with 20 or more years of active military service may be considered by the Commandant for involuntary retirement and may be retired on recommendation of a Enlisted Personal Board.	
14 U.S.C. 367	<u>Detention Beyond Term of Enlistment.</u> Sets out conditions for the detention of an enlisted member beyond his/her term of enlistment.	



Section 8.05 Pay, Allowances, Benefits, & Leave

<u>Code Section</u>	<u>Summary of Provisions</u>	<u>Related CFRs</u>
5 U.S.C. 5501-5597 Selected Provisions	<u>Pay Administration.</u> Provisions concerning the administration of pay, including: withholding pay; advancement, allotment, and assignment of pay; dual pay and dual employment; premium pay; payment for accumulated and accrued leave, payments to missing employees, settlement of accounts; severance; and back pay.	
5 U.S.C. 5534a	<u>Dual Employment and Pay During Terminal Leave from Uniformed Services.</u> Allows for a member of the Coast Guard who is on terminal leave pending separation under honorable conditions to accept a civilian office or position in the U.S. government and receive pay from both positions.	
10 U.S.C. 701-708	<u>Leave.</u> Provisions concerning the entitlement to, accumulation of, and use of leave.	
10 U.S.C. 708	<u>Educational Leave of Absence.</u> Authorizes leave of absence for educational purposes. Leave is not to exceed 2 years.	
10 U.S.C. 775	<u>Issue of Uniform Without Charge.</u> Authorizes issue of a uniform without charge under certain circumstances, and whenever the issue of a uniform would significantly benefit the morale and welfare of a member and is advantageous to the service.	
10 U.S.C. 971	<u>Academy Periods for Computation of Service.</u> Provides that the period of service under an enlistment or period of obligated service while also serving as a cadet or midshipman at any United States service academy may not be counted in computing the length of service as an officer of an armed force or the Public Health Service.	
10 U.S.C. 1447-1455	<u>Survivor Benefit Plan.</u> Provides authority for the Survivor Benefit Plan.	49 CFR Part 1
10 U.S.C. 1456-1460b	<u>Supplemental Survivor Benefit Plan.</u> Provides authority for the Supplemental Survivor Benefit Plan.	
10 U.S.C. 1475-1490	<u>Death Benefits.</u> Authority for death benefits.	



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10 U.S.C. 2634	<u>Transportation and Storage of Privately Owned Vehicles.</u> Authorizes transportation and storage, at government expense, of privately-owned vehicles for service members when there are restrictions on the normal shipment of these vehicles.	
14 U.S.C. 93(r)	<u>Medical and Dental Care.</u> Authorizes the Coast Guard to provide medical and dental care for entitled personnel, including care in private facilities	33 CFR part 74
14 U.S.C. 93(x)	<u>Commercial Vehicles at Military Funerals.</u> Authorizes the use of appropriated funds for commercial vehicles to transport next of kin of eligible retired Coast Guard military personnel to attend funeral services of the service member at a national cemetery.	33 CFR part 74
14 U.S.C. 475	<u>Leasing and Hiring of Quarters.</u> Authorizes the Secretary to lease housing at or near Coast Guard installations as public quarters for military personnel and their dependants without rental charge upon the determination by the Secretary.	49 CFR Part 1
14 U.S.C. 476	<u>Contingent Expenses.</u> Authorizes the Commandant to expend up to \$50,000 for contingencies in one fiscal year.	
14 U.S.C. 477	<u>Equipment to Prevent Accidents.</u> Allows the Coast Guard to purchase such items as clothing and equipment for the promotion and maintenance of a safe work environment.	
14 U.S.C. 478	<u>Rations or Commutation Thereof in Money.</u> Allows for rations or commutation thereof in money to be given to enlisted personnel, civilian officers and civilian crews, and working parties in the field.	



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14 U.S.C. 480	<u>Flight Rations.</u> Flight rations shall be furnished without cost to officers, enlisted personnel and civilian employees, while actually engaged in flight operations. Personnel in a travel status or whom have received per diem allowance shall not be given flight rations without cost.	
14 U.S.C. 481	<u>Payments at Time of Discharge for Good of Service.</u> Enlisted members discharged under certain circumstances may be paid a sum not exceeding \$25.	
14 U.S.C. 482	<u>Clothing at Time of Discharge for Good of Service.</u> Enlisted members, discharged under certain circumstances, may be given civilian clothing; the cost of which may not exceed \$30.	
14 U.S.C. 483	<u>Right to Wear Uniform.</u> Allows retired Coast Guard personnel the right to wear their uniform with certain limitations imposed.	
14 U.S.C. 484 10 U.S.C. 771-777	<u>Protection of Uniform.</u> Extends protections regarding the wearing of military uniforms to the Coast Guard.	
14 U.S.C. 485	<u>Clothing for Officers and Enlisted Personnel.</u> Authorizes the Coast Guard to purchase uniforms for cadets, officers and enlisted personnel.	
14 U.S.C. 486	<u>Clothing for Destitute Shipwrecked Persons.</u> The Coast Guard may furnish clothing and subsistence to destitute shipwrecked persons. Coast Guard personnel who furnish clothing and subsistence to such persons may be reimbursed.	
14 U.S.C. 487	<u>Procurement and Sale of Stores to Members and Civilian Employees.</u> Enables such stores as the Secretary designates to be sold to members, surviving spouses and civilians.	
14 U.S.C. 488	<u>Advancement of Public Funds to Personnel.</u> The Commandant, under certain circumstances, may advance public funds to personnel when required to meet expenses of members detailed on emergency shore duty.	
14 U.S.C. 491-503	<u>Medals.</u> Provides instructions for the receipt of the Medal of Honor, the Distinguished Service Medal, the Distinguished Flying Cross, the Coast Guard medal, and other awards.	33 CFR Part 13 49 CFR Part 1



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14 U.S.C. 507	<u>Disposition of Effects of Decedents.</u> Upon the death of the member, the Coast Guard shall place all moneys, articles of value, keepsakes, etc. in safe custody for two years if not claimed by the member's legal heirs or next of kin.	
14 U.S.C. 508	<u>Deserters; Payment of Expenses Incident to Apprehension and Delivery.</u> Authorizes the Coast Guard to make such expenditures as are deemed necessary for the apprehension and delivery of deserters.	
14 U.S.C. 509	<u>Persons Discharged as Result of Court-martial.</u> Authorizes the Coast Guard to furnish persons discharged as a result of a court-martial, a military allowance for clothing not exceeding \$25.	
14 U.S.C. 510	<u>Shore Patrol Duty; Payment of Expenses.</u> An officer or cadet who is assigned shore patrol duty away from his vessel or other duty station may be paid his actual expenses.	
14 U.S.C. 511	<u>Compensatory Absence for Isolated Duty.</u> Authorizes the granting of compensatory absence from duty to Coast Guard military personnel serving at isolated lighthouses and other aids to navigation when conditions of duty result in confinement or long periods of continuous duty.	
14 U.S.C. 512	<u>Allowance for Transportation of Household Effects.</u> Allows the Coast Guard to pay a monetary allowance for the transportation of household effects. Certain limitations are applicable.	
14 U.S.C. 513	<u>Retroactive Payment of Pay and Allowances Delayed by Administrative Error or Oversight.</u> Authorizes retroactive payment of pay and allowances, including selective reenlistment bonuses, if entitlement to such money was delayed in vesting solely because of an administrative error or oversight.	
14 U.S.C. 514	<u>Adoption Expenses.</u> Authorizes the Coast Guard to reimburse Coast Guard members for qualifying adoption expenses.	



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14 U.S.C. 515	<u>Child Development Services.</u> Authorizes the Commandant to establish a program and to expend appropriated funds to provide child development services for members of the armed forces and Federal civilian employees.	33 CFR Part 55
14 U.S.C. 660	<u>Transportation To & From Place of Employment.</u> Authorizes the Secretary upon determination to provide transportation for Coast Guard personnel, to or from their places of employment, at a reasonable fare.	
31 U.S.C. 3711	<u>Termination of Certain Collection Actions Due to Death on Active Duty.</u> Authorizes the Secretary to suspend or terminate collection actions against the estates of Coast Guard members who die while on active duty and are indebted to the government.	See, http://www4.law.cornell.edu/cgi-bin/usc-cfr.cgi/31/3711 For complete listing of parallel Authorities
37 U.S.C. 201-210	<u>Entitlement & Computation of Military Pay.</u> Provisions creating the various pay grades and relating to the entitlement to, and computation of, military pay. Includes description of the pay grades, basic pay, and longevity for reservists on active duty; the drill-pay and administrative pay applicable to reservists performing inactive duty training; and pay of senior enlisted members during terminal leave and while hospitalized.	32 CFR part 110
37 U.S.C. 301-317	<u>Special & Incentive Pay.</u> Provisions concerning special and incentive pays, such as aviation pay, career sea pay, and reenlistment bonuses.	
37 U.S.C. 401-434 Selected Provisions	<u>Allowances, Transportation, & Travel.</u> Authorizes the payment of various allowances including travel, transportation, temporary lodging, separation, housing, subsistence, cost of living, uniform, and disaster relief. Authorizes transportation and travel incident to various duties and activities including vessels under construction and in overhaul.	32 CFR part 733
37 U.S.C. 501	<u>Payment for Unused Leave.</u> Permits payment for unused accrued leave in certain circumstances.	



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37 U.S.C. 502	<u>Payment for Absences Due to Sickness, Wounds, and Certain Other Causes.</u> Allows Coast Guard members absent because of sickness, wounds, or certain other causes to be entitled to pay as if not absent.	
37 U.S.C. 503	<u>Unauthorized Absence & Pay.</u> Prohibits the payment of pay and allowances during any period of unauthorized absence, unless it is excused as unavoidable.	
37 U.S.C. 504	<u>Academy Exception.</u> States that 37 U.S.C. 501-503 do not apply to cadets or midshipmen at service academies.	
37 U.S.C. 551-559	<u>Pay & Allowances for Missing Personnel.</u> Pay and allowance provisions of missing persons.	32 CFR part 718 38 CFR part 17
37 U.S.C. 601-604	<u>Disposition of Pay for Mentally Incompetent Persons.</u> Authorizes the designation of a person to receive pay for mentally incompetent active or retired member of the uniformed services.	33 CFR part 49 32 CFR part 726
37 U.S.C. 703	<u>Allotments.</u> Authorizes members to make allotments from their pay and allowances.	32 CFR part 59
37 U.S.C. 1001	<u>Pay Regulation Authority.</u> Authorizes the Secretary to issue regulations relating to pay and allowances; and request advisory Comptroller General opinions on proposed regulations.	32 CFR part 726
37 U.S.C. 1006	<u>Advance Pay.</u> Authorizes advance payments under certain circumstances.	
37 U.S.C. 1007	<u>Deductions from Pay.</u> Authorizes deductions from pay in certain circumstances.	32 CFR part 527
38 U.S.C. 1965-1980 Selected Provisions	<u>Servicemen's Group Life Insurance.</u> Provides life insurance for Coast Guard members.	38 CFR part 9
50App. U.S.C. 501-596 Selected Provisions	<u>Soldiers' and Sailors' Civil Relief.</u> Provides temporary protection from a variety of liability questions, provides provisions for relief and remedies. Includes limitations on taxation by states and local governments. Applies to Coast Guard personnel on active duty.	38 CFR Part 7 5 CFR Part 1655 43 CFR Parts 3830, 3850
P.L. 105-383 (§201)	<u>Reduced Severance Pay for Certain Officers.</u> Authorizes the Secretary to pay less than the statutory amount of severance pay to officers if conditions of separation or discharge warrant.	



Section 8.06 Recruiting & Training

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
10 U.S.C. 503 . See Also 10 USC 504-514	<u>Recruiting Campaigns.</u> Authorizes the conduct of recruiting campaigns.	
10 U.S.C. 671	<u>Basic Training.</u> Requires completion of basic training before assignment overseas and a 12-week period of basic training or its equivalent during time of war or national emergency as declared by Congress or the President.	32 CFR part 114
10 U.S.C. 2004-2005	<u>Advanced Education & Law School.</u> Authorizes the detailing of certain personnel to law school and other advanced education programs, and provides for conditional active duty agreements and reimbursement requirements.	
10 U.S.C. 2013	<u>Commercial Training.</u> Authorizes military personnel to acquire commercial training courses by, in, or through non-Government facilities.	
14 U.S.C. 93 (f)	<u>Distribution of Recruiting Material.</u> Grants general powers to the Commandant, including the distribution of information. Under this authority, the Coast Guard distributes recruiting material and trains personnel.	33 CFR part 74
14 U.S.C. 93 (g)	<u>Training.</u> Authorizes the Commandant to make available specialized training to Coast Guard personnel, such as correspondence courses.	33 CFR part 74
14 U.S.C. 144-145	<u>Training Provided by Other Services.</u> Authorize the Army, Air Force, and Navy to provide training to Coast Guard personnel, with or without reimbursement.	
14 U.S.C. 148	<u>State Maritime Training.</u> Authorizes the Coast Guard to assign personnel for duty in connection with maritime training by the states, territories, District of Columbia, and Puerto Rico.	
14 U.S.C. 350	<u>Intensified Enlistment Campaign.</u> Directs intensified voluntary enlistment campaign to reach required personnel strengths.	
14 U.S.C. 468	<u>Expenditures for Recruiting.</u> Authorizes expenditures to obtain recruits and cadet applicants, including advertising.	



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14 U.S.C. 469	<u>Expenditures for Training.</u> Authorizes the Coast Guard to make expenditures for training, equipment, supplies, and other instructional purposes.	
14 U.S.C. 470	<u>Post-Secondary & Post-Graduate Training.</u> Authorizes the Coast Guard to assign personnel to colleges and universities and pay their expenses.	
14 U.S.C. 471	<u>Expenses for Attendance at Professional Conferences.</u> Authorizes the Coast Guard to assign personnel to meetings and conferences and pay their expenses.	
38 U.S.C. 3001-3036 Selected Provisions	<u>Educational Assistance Programs.</u> Authorizes Educational Assistance Programs for Active Duty & Selected Reserve.	
38 U.S.C. 4312-4317	<u>Re-employment Rights and Limitations of Persons Who Serve in the Uniformed Services.</u> Subject to certain conditions, any person who is absent from a position of employment by reason of service in the uniformed services shall be entitled to the reemployment rights and benefits as listed.	
14 U.S.C. 472 , link not available at time of publication, see data	<u>Education loan repayment program.</u> Authorizes the Secretary to repay selected education loans.	



Section 8.07 Separations, Discharges, & Retirement

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
10 U.S.C. 654	<u>Homosexuals in the Armed Forces.</u> Codification of the homosexual policy in the armed forces.	
10 U.S.C. 1401-1446 Selected Provisions	<u>Computation of Retired Pay.</u> Provisions relating to the computation of retired pay, and payment of retired pay to former spouses under the Uniformed Services Former Spouses Protection Act.	
10 U.S.C. 1431-1446 Selected Provisions	<u>Retired Serviceman's Family Protection Plan.</u> Provide authority for the Retired Serviceman's Family Protection Plan.	
10 U.S.C. 1552	<u>Board of Corrections of Military Records.</u> Authorizes a board for correction of military records, which is empowered to correct any military record. Authorizes the Secretary of Transportation to correct military records for error or manifest injustice. Application shall be taken by the Secretary of Transportation within 10 months of the receipt of an application for correction.	32 CFR part 581 32 CFR part 92 32 CFR part 516 32 CFR part 723 32 CFR part 865 33 CFR part 52
14 U.S.C. 281	<u>Revocation of Commission.</u> Authorizes revocation of the commission of a regular officer on active duty with less than three years commissioned service.	
14 U.S.C. 282-283	<u>Separation of Junior Officers for Failure of Selection for Promotion; Continuation.</u> Provides for the separation of regular lieutenants and lieutenants (junior grade) for twice failing of selection to the next higher grade. When the needs of the service require, a board may be convened to recommend continuation of a lieutenant who would otherwise be discharged/retired.	



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14 U.S.C. 284	<u>Separation of Temporary Commissioned Officer for Failure of Selection to Promotion.</u> Provisions concerning the discharge or retirement of officers serving under a temporary appointment who are not selected for promotion.	
14 U.S.C. 285	<u>Involuntary Retirement of Lieutenant Commanders and Commanders for Failure of Selection to Promotion.</u> Provides for the involuntary retirements of regular lieutenant commanders and commanders who have twice been passed over for selection.	
14 U.S.C. 286	<u>Discharge in Lieu of Retirement; Severance Pay.</u> Permits lieutenant commanders and commanders who have been passed over for selection to request discharge prior to becoming eligible for retirement and provides for severance pay which may be in a lump sum.	
14 U.S.C. 286a	<u>Regular Warrant Officers; Severance Pay.</u> Provides guidance describing the computation of severance pay for regular warrant officers.	
14 U.S.C. 287	<u>Separation for Failure of Selection for Promotion or Continuation; Deferral.</u> Promotion boards may defer the discharge or retirement of an officer not selected for promotion or continuation for six months	
14 U.S.C. 288-290	<u>Continuation & Retirement of Captains and Rear Admirals.</u> Provisions concerning the continuation or retirement of captains and rear admirals in the regular Coast Guard.	
14 U.S.C. 291-292	<u>Voluntary Retirement for Regular Commissioned Officers.</u> Permits voluntary retirement for regular commissioned officers after twenty or more years of active service.	
14 U.S.C. 293	<u>Retirement at Age 62.</u> Requires retirement at age 62 for regular commissioned officers, excluding chief warrant officers.	



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14 U.S.C. 294	<u>Retirement for Physical Disability After Selection for Promotion.</u> An officer whose name appears on the promotion list and is retired for physical disability prior to being promoted shall be retired in the grade to which he was selected for promotion.	
14 U.S.C. 295	<u>Deferment of Retirement or Separation for Medical Reasons.</u> The Secretary may defer the retirement or separation of a commissioned officer, other than a commissioned warrant officer, for medical reasons including hospitalization which can not be completed before the date on which the officer would otherwise be retired or separated.	
14 U.S.C. 321-327	<u>Separation of Officers for Cause.</u> Provisions concerning the separation of officers for cause.	
14 U.S.C. 331	<u>Retirees: Recall to Active Duty During War or National Emergency.</u> In time of war or national emergency, the Secretary may order regular officers on the retired list to active duty.	
14 U.S.C. 332	<u>Retirees: Recall to Active Duty with Consent of Officer.</u> Any regular officer on the retired list may, with that officer's consent, be assigned to such duties as that officer may be able to perform. Certain limitations apply.	
14 U.S.C. 333-334	<u>Retirees: Relief of Retired Officer Promoted while on Active Duty.</u> Any regular officer on the retired list who is promoted while on active duty will upon certain conditions be advanced on the retired list to the highest grade held while on active duty.	
14 U.S.C. 353-370 Selected Provisions	<u>Enlisted Retirement.</u> Provisions concerning the retirement of enlisted personnel.	
14 U.S.C. 421-424	<u>Retired Pay.</u> General provisions and computations concerning retired pay.	
14 U.S.C. 461	<u>Remission of Indebtedness of Enlisted Members Upon Discharge.</u> The Secretary of Transportation may remit or cancel any part of an enlisted member's indebtedness to the U.S. remaining unpaid before, or at the time of, that member's honorable discharge.	



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14 U.S.C. 467	<u>Computation of Length of Service.</u> When computing the length of service for any purpose, all creditable service in the Army, Navy, Marine Corps, Air Force, Coast Guard, Revenue Cutter Service, and Life Saving Service shall be included in addition to any other creditable service authorized by any other law.	
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Chapter 9. Coast Guard Reserve

Section 9.01 General Provisions

Note: The starting point for analyzing Coast Guard Reserve issues is 14 U.S.C. 701 *et seq.*, which generally take precedence if there is a conflict among statutes. Sections of other U.S.C. titles, described below, apply to the Coast Guard Reserve by their explicit language or by reference from other provisions (*e.g.*, 14 U.S.C. 705).

<u>Code Section</u>	<u>Summary of Provisions</u>	<u>Related CFRs</u>
5 U.S.C. 502	<u>Professional Practice & Involvement with Other Federal Agencies.</u> Provides that a reservist may practice a profession or occupation before or in connection with a federal agency.	
5 U.S.C. 5534	<u>Pay for Both Federal Civilian Employment and Reserve Duties.</u> Provides that a reservist may be a civilian employee of the federal government and receive pay for that position as well as Reserve pay.	
5 U.S.C. 6323	<u>Leave of Absence for Military Training.</u> Provides that a reservist is entitled to leave of absence for military training.	
10 U.S.C. 175; 10 U.S.C. 10301	<u>Reserve Forces Policy Board.</u> Authorizes the Secretary of Transportation to designate two Coast Guard officers, regular or reserve, to serve as a voting members of the Reserve Forces Policy Board when the Coast Guard is not operating as a service under the Navy.	
10 U.S.C. 1074a	<u>Disability Benefits.</u> Provides for disability benefits for reservists who are injured or become ill while going to, during, or returning home from active duty or inactive duty training (IDT).	
10 U.S.C. 10102	<u>Purpose of the Reserve.</u> States that the purpose of each reserve component is to provide trained units and qualified persons for active duty in the armed forces in time of war, national emergency or as the national security requires.	
10 U.S.C. 10114	<u>Reserve Program Administration.</u> Provides that the Commandant shall administer the Coast Guard Reserve in accordance with 14 U.S.C. 701, <i>et. seq.</i>	
10 U.S.C. 12001	<u>Authorized Reserve Strength.</u> Establishes authorized strength for the Coast Guard Reserve.	



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10 U.S.C. 12301	<u>Involuntary Activation & Retention.</u> Authorizes the Secretary in time of war or national emergency declared by Congress to order to active duty involuntarily any unit or member of the reserve for the duration, plus six months.	33 CFR Part 8.1
10 U.S.C. 12302	<u>Involuntary Activation of Ready Reserve.</u> Authorizes the Secretary in time of national emergency declared by the President to order to active duty involuntarily any unit or member of the Ready Reserve for not more than 24 months. Not more than one million reservists may be activated at any one time.	
10 U.S.C. 12303	<u>Involuntary Activation of Members Not Assigned to, or Participating Satisfactorily in, Units.</u> Authorizes the President to order to active duty any member of the Ready Reserve of the Coast Guard who is not assigned to, or participating satisfactorily in, a unit; has not fulfilled his statutory obligation; and has not served on active duty for a total of 24 months.	
10 U.S.C. 12304	<u>Augmentation by Selected Reserve.</u> Authorizes the Secretary, when the President determines that it is necessary to augment the active forces for any military mission, to order to active duty involuntarily any unit or member of the Selected Reserve for not more than 90 days. The Secretary may not activate more than 200,000 reservists at any one time. Also authorizes 90-day extensions by order of the President.	
10 U.S.C. 12305	<u>Activation of Selected Reserve and Certain Individual Ready Reserve Members in Times Other than War or National Emergency.</u> Authorizes the President to suspend any provision of law relating to promotion, retirement, or separation applicable to any member of the armed forces (Reserve serving on active duty orders) who the President determines is essential to the national security of the United States. Authorizes the Secretary to involuntarily activate Ready Reserve members to augment the active forces for any operational mission.	



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10 U.S.C. 12306-12309	<u>Activation of Standby, Retired, and Regular Reserves.</u> Prescribes conditions under which standby reserves and retired reserves may be ordered to active duty involuntarily in time of war, national emergency or expansion of the armed forces. Also prescribes conditions under which reserves may be ordered to active duty voluntarily.	
10 U.S.C. 12310	<u>Training for Reserves on Active Duty.</u> Authorizes Secretary concerned to provide training to certain reserves on active duty in support of reserves in the same manner as any other member on active duty.	
10 U.S.C. 12641-12647	<u>Promotion & Retention Standards.</u> Provisions concerning standards and qualifications for the retention and promotion of reserve personnel. Section 12646 provides for the mandatory lock-in of reserve officers after their completion of at least 18 but less than 20 satisfactory years for retirement.	
10 U.S.C. 12681-12687	<u>Separation.</u> Sets out limitations on the separation of Reserve members.	
10 U.S.C. 12686	<u>Waiver of Retirement Eligibility.</u> Authorizes Secretary to require reservists serving on active duty for less than 180 days to waive Reserve retirement eligibility as a condition for receipt of orders.	
10 U.S.C. 12731-12740	<u>Retirement.</u> Provisions concerning the retirement of Reservists and the computation of reserve service for retirement.	
10 U.S.C. 16131-16137	<u>Educational Assistance.</u> Establishes an educational assistance program, including graduate level programs [§16131(h)], for members of the Selected Reserve.	48 CFR Part 871
14 U.S.C. 701-713 See Also, 14 U.S.C. 720-822 (Administration of the officers Corps, selected provisions).	<u>Authority & Administration of the Coast Guard Reserve.</u> Authority for the Coast Guard Reserve and some provisions for its administration.	33 CFR Part 8 (note, this section was not available on LLI at the time of publication, the documents are available on Westlaw)



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14 U.S.C. 712	<u>Involuntary Activation of Ready Reserve Due to Disaster.</u> Provides authority for Coast Guard Ready Reservists to be ordered to active duty involuntarily, in peacetime, for the emergency augmentation of the Regular Coast Guard during serious natural or man-made disasters when directed by the Secretary, and approved by the President.	33 CFR Part 8
14 U.S.C. 713	<u>Initial Active Duty Training.</u> Authorizes the dividing of initial active duty for training for reservists into two successive annual periods of not less than six weeks each.	
14 U.S.C. 891-894	<u>Administration of the Coast Guard Reserve.</u> Contain various administrative provisions applicable to the Coast Guard Reserve.	33 CFR Part 1 33 CFR Part 5
37 U.S.C. 401-418	<u>Reserve Allowances.</u> Describe the allowances for subsistence, quarters, travel, transportation, and uniforms to which members of the reserve are entitled.	32 CFR part 733
38 U.S.C. 1965-1980 Selected Provisions	<u>Eligibility for SGLI & VGLI.</u> Describes the conditions under which reservists shall be or may be entitled to coverage through Servicemen's Group Life Insurance and Veterans' Group Life Insurance.	38 CFR Part 9
38 U.S.C. 4301-4317	<u>Employment Rights.</u> Describe the rights of a reservist to be granted military leave from employment to perform initial active duty for training, annual active duty for training, and inactive duty training. Also describes reemployment rights when ordered to active duty voluntarily or otherwise in response to an order or call to active duty.	38 CFR part 17 5 CFR Part 213, 353



Section 9.02 Reserve Officers

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
10 U.S.C. 12201-12209	<u>Appointment of Reserve Commissioned Officers.</u> Authorizes the President to appoint reserve officers (direct commission program) in commissioned grades 0-4 and below, except commissioned warrant officers, and to appoint reserve officers in grades 0-5 and above with the advice and consent of the Senate.	32 CFR Part 67
10 U.S.C. 12311	<u>TEMAC & SADT.</u> Authorizes Temporary Active Duty (TEMAC) and Special Active Duty (SADT) programs.	
10 U.S.C. 12312-12313	<u>Release From Active Duty.</u> Authorizes the release of reserve officers from active duty.	
14 U.S.C. 41a	<u>Exclusion from the Active Duty Promotion List.</u> Provides that all reserve officers on active duty, other than pursuant to an active duty agreement executed under 10 U.S.C. 679, retired officers, and officers of the permanent commissioned teaching staff of the Coast Guard Academy shall not be included on the active duty promotion list (ADPL).	
14 U.S.C. 276	<u>Selection & Promotion of Reserve Program Administrators.</u> Authorizes the Secretary to prescribe regulations for the selection and promotion of RPA's.	
14 U.S.C. 720-774 , Selected Provisions	<u>Commissioned Officers.</u> Contains Coast Guard Reserve officer strength authorizations and statutes governing inactive duty reserve officer selection, promotion and retention.	
14 U.S.C. 742, link not provided at time of publication, see data base	<u>Commissioned Officer Maximum ages for retention in an active status.</u> A Reserve officer, if qualified, shall be transferred to the Retired Reserve on the day the officer becomes 60 years of age unless on active duty. If not qualified for retirement, a Reserve officer shall be discharged effective upon the day the officer becomes 60 years of age unless on active duty.	
14 U.S.C. 743 link not provided at time of publication, see data base	<u>Rear admiral and rear admiral (lower half); maximum service in grade.</u> Establishes maximum service in grade of rear admiral (lower half).	



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Reserve Enlisted

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
10 U.S.C. 12101-12104	<u>Qualifications and Terms of Enlistment.</u> Provisions concerning enlistment and transfers applicable to the reserve components.	
37 U.S.C. 308	<u>Enlistment & Re-enlistment Bonuses.</u> Grants the armed forces the authority to pay selected reservists monetary incentives to enlist or re-enlist. No bonus may be paid under this section to any enlisted member who, after September 30, 1999, re-enlists or voluntarily extends his enlistment in a reserve component.	



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Chapter 10. Civilian Personnel

Section 10.01 Auxiliary

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
14 U.S.C. 141 14 U.S.C. 822 46 U.S.C. 13109(b)	<u>Auxiliary Assistance to the States.</u> Authorizes the Commandant to prescribe conditions under which the Auxiliary may assist the States, when requested by proper state authorities.	33 CFR Part 74
14 U.S.C. 707(a) 14 U.S.C. 832	<u>Injury Compensation.</u> Authorizes health care for members of the Auxiliary who incur a physical injury or contract a sickness or disease while under specific orders.	33 CFR Part 5
14 U.S.C. 821-825	<u>Authority, Purpose, & Eligibility for Membership.</u> Contains the basic authority for the Coast Guard Auxiliary, its purpose, and authority for its administration by the Coast Guard. Authorizes the national board of the Auxiliary, and any Auxiliary district or region to incorporate under state law in accordance with policies established by the Commandant. Establishes membership requirements.	33 CFR Part 5
14 U.S.C. 823a	<u>Legal Status of Members; Federal Tort Claims Act.</u> Provides that Auxiliary members are considered Federal employees for purposes of enumerated statutes while assigned to duties. This includes the Federal Tort Claims Act (28 U.S.C. 2671, et seq.), which applies with respect to claims of a third party who is allegedly harmed by an Auxiliary member acting within the scope of official duties.	
14 U.S.C. 826-829 14 U.S.C. 894	<u>Auxiliary Facilities.</u> Provides that aircraft, vessels, and radio stations assigned to authorized Coast Guard duty are deemed public facilities. Authorizes use of Coast Guard services, facilities, and appropriations for purposes of Reserve and Auxiliary.	33 CFR Part 5
14 U.S.C. 830	<u>Travel Expenses; Operating Costs.</u> Authorizes use of appropriated funds for Auxiliary activities and for the payment of claims incident to Auxiliary missions.	33 CFR Part 5



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14 U.S.C. 831 14 U.S.C. 893	<u>Assignment & Performance of Duties.</u> Prescribes the rights, privileges, powers, and duties vested in Auxiliarists; required designations; and applicability of travel, per diem, and subsistence regulations.	33 CFR Part 5
14 U.S.C. 832	<u>Injury or Death of Auxiliarist in the Line of Duty.</u> Provides that Auxiliarists killed the line of duty shall be entitled to the same benefits as temporary members of the Reserve, and that Auxiliarists injured in the line of duty shall be entitled to the same hospital treatment as active duty members of the service.	33 CFR Part 5
14 U.S.C. 891-894	<u>Auxiliary Administration.</u> Contain various administrative provisions applicable to the Coast Guard Auxiliary.	33 CFR Part 5 ; See also, 33 CFR 1
42 U.S.C. 14501-14505	<u>Volunteer Protection Act.</u> Provides liability protection for volunteers, including Auxiliarists.	



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Section 10.02 Hiring & Management

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
5 U.S.C. 1104	Delegation of Authority. Describes the President's delegation of authority for personnel management.	See, http://www4.law.cornell.edu/cgi-bin/usc-cfr.cgi/5/1104 for complete listing.
5 U.S.C. 2101-2109	Civil Service Defined. Definitions for purposes of title 5, U.S. Code, pertaining to the civil service and various types of participants in Federal service matters.	5 CFR Chapter I 5 CFR part 300 5 CFR part 720
5 U.S.C. 2301	Merit System Principles. Describes the manner for implementing Federal personnel management consistent with merit system principles.	5 CFR part 300 5 CFR part 720
5 U.S.C. 2901-2906	Commissions, Oaths, & Records. Describes the Commissions, Oaths, and Records the President may make out and deliver, and the manner in which to administer the oath of office.	46 CFR Part 501
5 U.S.C. 2951-2954	Reports. Miscellaneous provisions regarding reports that agencies must provide to the Office of Personnel Management and Congress.	5 CFR part 293 32 CFR part 634 32 CFR part 636
5 U.S.C. 3101-3112	Agency Employment Authorities. Prescribes employment authorities for Federal agencies, including restrictions applicable to certain types of employees.	5 CFR Part 213 5 CFR Part 293 5 CFR Part 304 5 CFR Part 308 5 CFR Part 315 5 CFR Part 319 5 CFR Part 330 5 CFR Part 335 5 CFR Part 338 5 CFR Part 352 5 CFR Part 731 5 CFR Part 930
5 U.S.C. 3161 Selected Provisions.	Senior Executive Service (SES). Describes and defines the Senior Executive Service, authority for appointment thereto, and reports required.	5 CFR Part 214 5 CFR Part 534



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5 U.S.C. 3301-3397 , Selected Provisions.	Civil Service. Describes the President's authority to prescribe regulations for the civil service, ascertain fitness of applicants, and appoint and prescribe the duties of individuals who enter the civil service. Includes provisions addressing transfers, promotion, assignments, examinations, and so forth.	5 CFR Chapter I See Also, http://www4.law.cornell.edu/cgi-bin/usc-cfr.cgi/5/3301 For complete listing of parallel authorities
5 U.S.C. 3309-3312 Selected Provisions	Veterans Preference. Prescribes competitive examination, physical qualification waiver, and other conditions relating to individuals eligible for veterans' preferences.	5 CFR Part 211 5 CFR Part 304 5 CFR Part 308
5 U.S.C. 3313-3319	Civil Service Selection Lists. Prescribes the manner of placement on registers of applicants who have qualified in examinations for the competitive service; certification of those individuals for appointment; and selection by nominating or appointing authority.	5 CFR Part 212 , 5 CFR Part 330 5 CFR Part 332
5 U.S.C. 3321	Probationary Periods. Provides for the issuance of regulations and directives for probationary periods which must be served in the competitive service.	5 CFR Part 315.801, 315.901
5 U.S.C. 3323	Annuity. Provides for automatic separations, reappointment, and reemployment of annuitants.	5 CFR 837 5 CFR part 930
5 U.S.C. 3324-3326	Appointment of Scientific, Professional, and National Defense Positions. Describes the manner of appointment to positions at grades above GS-15 to scientific and professional positions, and appointment of retired members of the armed forces to positions within DoD.	5 CFR part 319
5 U.S.C. 3327	Promulgation of Competitive Service Examination Information. Provides for the provision of information regarding opportunities to participate in competitive service examinations to the employment offices of the United States Employment Service.	5 CFR Part 330
5 U.S.C. 3331-3333	Loyalty Oaths and Affidavits. Describes the oath of office for the civil service and requires affidavits affirming loyalty to the Government and commitment not to strike against the Government.	



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5 U.S.C. 3341-3349	<u>Detailing of Executive and Military Department Employees.</u> Prescribes conditions relating to detailing of executive and military department employees and authority of first assistants in the case of death or disability of department heads. <i>See also infra</i> , Intergovernmental Personnel Act.	5 CFR Part 930
5 U.S.C. 3351	<u>Waiver of Physical Qualifications for Transfer.</u> Provides for waiver of physical qualifications of preference eligibles when transferring to another position in the competitive service.	
5 U.S.C. 3371-3376	<u>Intergovernmental Personnel Act.</u> Provides for the assignment of Federal employees to State or local governments, and the assignment of employees of State and local governments to the Federal service for specific periods of time, for work of mutual concern to the agency and to the State or local government.	5 CFR Part 334
5 U.S.C. 3391-3397	<u>Assignment in the SES.</u> Provides definitions and procedures for appointment, reassignment, transfer, and development in the Senior Executive Service.	5 CFR Part 214
5 U.S.C. 3401-3408	<u>Part-Time Career Employment Program.</u> Provides for establishment of part-time career employment programs within agencies to provide employment opportunities in all grade levels.	45 CFR Part 1176
5 U.S.C. 3501-3584 Selected Provisions	<u>Retention & Reemployment.</u> Provides for the retention of employees and reinstatement, restoration, and reemployment of persons to the Federal service.	5 CFR Part 352, 432 12 CFR Part 795 32 CFR Part 156
5 U.S.C. 3591-3596	<u>Placement & Removal in the SES.</u> Governs removal, reinstatement, and guaranteed placement within the Senior Executive Service.	5 CFR Part 214, 317, 359
14 U.S.C. 93(s)	<u>Use of Individuals Ordered to Perform Community Service.</u> Authorizes the Commandant to establish terms and conditions for the employment of individuals under court order to perform community service.	33 CFR part 74



Section 10.03 Training & Performance Appraisals

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
5 U.S.C. 1201-1222 Selected Provisions	<u>Merit Systems Protection Board.</u> Prescribes membership, powers, and functions of the Merit Systems Protection Board and Special Counsel for purposes of adjudicating Federal employee appeals of agency personnel actions conducting special reviews and studies of Federal merit systems. In addition, these statutes describe individual rights in certain reprisal cases.	5 CFR Chapter II ; 5 CFR Parts 432, 752, 1200--1205, 1208, 1209, 1800, 1810, 1820, 1830, 1840
5 U.S.C. 2302 10 U.S.C. 1599c	<u>Prohibited Personnel Actions.</u> Delineates prohibited personnel actions. Title 10 provision relates to veterans' preferences and prohibited personnel actions by DoD or a member of the armed forces.	5 CFR Part 4 ; 5 CFR part 300 5 CFR part 720 5 CFR part 1209 29 CFR Chapter XIV
5 U.S.C. 4101-4118	<u>Training Programs.</u> Provisions governing establishment, operation, maintenance, evaluation, and funding of training programs through governmental and non-governmental facilities.	5 Parts 410, 412 34 CFR Part 73 41 CFR Parts 304-1, 304-2
5 U.S.C. 4301-4305	<u>Performance Appraisal Systems.</u> Provides for performance appraisal systems, removal of an employee for unacceptable performance, responsibilities of Office of Personnel Management relating thereto.	5 CFR Parts 430, 432 5 CFR part 930
5 U.S.C. 4311-4315	<u>Performance Appraisal for SES.</u> Provides for agency performance appraisal systems for the SES.	5 CFR 301-310 5 CFR Part 293
5 U.S.C. 4501-4576	<u>Monetary Awards for Non-PMRS/SES Employees.</u> Provisions governing payment of monetary awards to non-PMRS/SES employees and provisions for awarding ranks in the SES.	
5 U.S.C. 5596	<u>Back Pay.</u> Provides for the establishment of back pay due to unjustified personnel actions.	5 CFR part 550 See, 5 CFR 550.804, 550.805
5 U.S.C. 7101-7135 Selected Provisions	<u>Government Labor Management and Employee Relations Program.</u> Establishes Government Labor Management and Employee Relations Program, including basic employee rights to form and join a labor organization. Also prescribes powers and duties of the Federal Labor Relations Authority, management rights, rights of agencies and labor organizations, and processing/reviewing appeals and grievances.	5 CFR Chapter XIV , See, 5 Parts 251, 842, , 2414, 2420-2429, 2470, 2471, 2473 29 Parts 457, 458, 459, 1425



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5 U.S.C. 4507	<u>Monetary Awards for Non-PMRS/SES Employees.</u> Provisions governing payment of monetary awards to PMRS/SES employees and provisions for awarding ranks in the SES.	
5 U.S.C. 7301-7363 Selected Provisions	<u>Suitability, Security, & Conduct.</u> Provisions pertaining to regulation of employee conduct, including political activities, foreign gifts and decorations, and misconduct. Defines agency authorities and responsibilities pertaining to appropriate treatment and rehabilitation for alcohol and drug abuse.	See http://www4.law.cornell.edu/cgi-bin/usc-cfr.cgi/5/7301 For complete listing of parallel authorities.
5 U.S.C. 7501-7543 Selected Provisions	<u>Administrative Procedures for Suspension & Removal.</u> Provides for administrative procedures in taking disciplinary actions for 14 days or less; removal, suspension for more than 14 days; reduction in grade or pay; and furloughs. Also prescribes procedures for actions against Administrative Law Judges and members of the SES, as well as suspension and removal actions for national security purposes.	5 CFR Parts 432 752, 5 CFR Part 930 990 32 Part 156
5 U.S.C. 7701-7703	<u>Appellate Procedures.</u> Provision for employee appeals to Merit Systems Protection Board and judicial review.	5 CFR part 300 5 CFR part 531 5 CFR part 731 5 CFR part 831 5 CFR part 841 5 CFR part 842 5 CFR part 846 5 CFR part 870 5 CFR part 990 5 CFR part 1201 5 CFR part 1209
5 U.S.C. 7904	<u>Employee Assistance Programs.</u> Provides for the establishment of Employee Assistance Programs relating to drug and alcohol abuse.	



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Section 10.04 Compensation & Benefits

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
5 U.S.C. 5101-5115	<u>Classification of Positions.</u> Provides for the classification of positions in the Federal Service, but does not apply to civilian faculty of Coast Guard Academy, 5 U.S.C. 5102.	5 CFR Part 511 32 CFR part 518
5 U.S.C. 5301-5385 Selected Provisions	<u>Pay Rates.</u> Provides for pay comparability system, executive and general pay schedule rates, prevailing rate systems, student employees, grade and pay retention, SES, and special occupational pay.	5 CFR Parts 319 , 337, 430, 511, 530, 531, 532, 534, 536, 537, 550, 930 32 CFR Part 518
5 U.S.C. 5501-5596 Selected Provisions	<u>Pay Administration.</u> Contains provisions concerning the administration of pay, including garnishment, advances, dual pay and employment, and severance pay.	Authorities to numerous to list, <i>See</i> PARALLEL TABLE OF AUTHORITIES AND RULES for listing.
5 U.S.C. 5701-5752	<u>Travel Allowances.</u> Provides for travel, transportation, and subsistence allowances.	12 CFR part 412 41 CFR part 101-7 41 CFR part 301-2 41 CFR part 301-4 41 CFR part 301-7 41 CFR part 301-9 41 CFR part 301-12 41 CFR part 301-14 41 CFR part 301-16
5 U.S.C. 5901-5948 Selected Provisions	<u>Uniforms, Quarters, & Overseas Allowances.</u> Provides allowances for uniforms, quarters, and overseas differentials.	5 CFR Part 591 , 595
5 U.S.C. 6101-6133 Selected Provisions	<u>Work Hours.</u> Provisions regarding hours of work and work schedules.	
5 U.S.C. 6301-6391 Selected Provisions	<u>Leave.</u> Provisions governing annual and sick leave, other paid leave, voluntary transfers of leave, voluntary leave bank program, and family and medical leave.	5 CFR Part 630 46 CFR Part 501



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5 U.S.C. 6308 and 6308 note	<u>Positions under different leave systems;</u> <u>Accreditation of Annual Leave.</u> Governs leave disposition of employee transferring from position under a different leave system. Authorizes receipt of lump-sum repayments from civilian employees who moved between non-appropriated fund employment and Coast Guard employment before April 16, 1991, for a reaccrue of annual leave; or allows employees the option of keeping the lump-sum payment in lieu of reaccrueing annual leave.	
5 U.S.C. 7901-7902	<u>Health Care and Safety Programs.</u> Provides for health services and safety programs for civilian employees.	
5 U.S.C. 5535 & 5536	<u>Extra pay for details and service prohibited.</u> Prohibits the receipt of pay for services or details within the scope of duty.	
5 U.S.C. 6301-6373	<u>Leave Provisions.</u> Sets forth provisions regulating leave, accrual, transfers, voluntary leave, creation and regulation of leave banks, donation of leave and payment for leave.	
5 U.S.C. 7905	<u>Transit Benefits.</u> Provides for establishment of programs to encourage Federal employees to commute by means other than single-occupancy motor vehicles.	
5 U.S.C. 8101-8173	<u>Work Related Injuries.</u> Provides for compensation for work injuries, death, and disability.	32 Part 728, 842 20 Parts 1, 10, 25, 61, 71, 501, 702, 703 Parts 302, 315, 330, 353
5 U.S.C. 8301	<u>Computation of Retirement Date.</u> Prescribes manner of calculating date of retirement authorized by statute.	
5 U.S.C. 8311-8351 Selected Provisions	<u>Civil Service Retirement System.</u> Provides for retirement under the Civil Service Retirement System.	5 CFR Parts 213, 330, 553, 831, 835, 837, 838, 846, 8471600, 1601, 1605, 1650



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5 U.S.C. 8401-8470 Selected Provisions	<u>Federal Employees Retirement System.</u> Provides for establishment and operation of Federal Employees Retirement System.	5 CFR PART 213, 330, 553, 835, 837, 838, 841, 842, 843, 847, 880, 1600, 1601 1603, 1604 1605, 1606, 1620, 1632, 1639, 1640, 1645, 1650 1651 1653 1655 1690 38 PART 1
5 U.S.C. 8471-8479 Selected Provisions	<u>Federal Retirement Thrift Investment Management System.</u> Provides Thrift Savings for Federal employees.	5 CFR Chapter VI
5 U.S.C. 8501-8525 Selected Provisions	<u>Unemployment Compensation.</u> Provides for unemployment compensation system for Federal employees.	5 Parts 1600, 1603--1606, 1620, 1632, 1639, 1640, 1645, 1650, 1651, 1653, 1655, 1690; 20 CFR part 609 29 CFR Parts 2570, 2582 2584, 2585, 2589,
5 U.S.C. 8701-8716	<u>Life Insurance.</u> Provides for life insurance benefits.	5 CFR Part 870
5 U.S.C. 8901-8914	<u>Health Insurance.</u> Provisions governing health insurance benefits.	5 Parts 880, 890--892 48 Parts 1601--1606, 1609, 1614--1616, 1622, 1624, 1629, 1631-1633, 1642--1646, 1649, 1652, 1653 (note- parts 1601 to 1653 are not available through LLI)
10 U.S.C. 1482a	<u>Expense Incident to Death While Serving with an Armed Force.</u> Authorizes the Secretary to pay expenses incident to the death of a civilian employee that occurs while serving with an armed force.	
14 U.S.C. 186	<u>Civilian Faculty of Coast Guard Academy.</u> Provides for appointment and compensation of civilian faculty members at Coast Guard academy.	
14 U.S.C. 432	<u>Retirement Benefits: Lighthouse Service.</u> Provisions relating to the retirement of personnel of the former Lighthouse Service.	



Chapter 11. Civil Rights & Equal Employment Opportunity

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
29 U.S.C. 206	<u>Equal Pay for Equal Work Regardless of Gender.</u> Requires that male and females be paid the same wages for "equal work" where the performance of such work requires equal skill, effort and responsibility and the work is performed under equal working conditions.	29 CFR Part 525-1614 , See, http://www4.law.cornell.edu/cgi-bin/usc-cfr.cgi/29/206 For complete list of Parallel Authorities
29 U.S.C. 633 & 633a	<u>Age Discrimination.</u> Prohibits discrimination based on age in federal employment practices unless based on a bona fide occupational qualification.	29 CFR Part 7 to 29 CFR part 1614
29 U.S.C. 791-794	<u>Reasonable Accommodation for the Handicapped.</u> Require reasonable accommodation in employment practices for handicapped persons.	5 CFR part 720 29 CFR part 1614 39 CFR part 255
29 U.S.C. 1001-1166, 1232 & 1321 Selected Provisions	<u>Protection of Employee Benefit Rights.</u> Provides definitions and regulations for employee rights and benefits regarding retirement, full time and temporary employment, minimum standards for retirement and pension funds.	26 CFR Part 1 28 CFR Part 4 29 CFR Part 2510, 2520, 2570, 2520, 2590, 2530, 2509, 4043, 2550, 2575, 2580, 2560
42 U.S.C. 2000d	<u>Discrimination Prohibited in Federally Funded Programs.</u> Prohibits unlawful discrimination under any program or activity receiving federal financial assistance.	34 CFR part 222
42 U.S.C. 2000e-16 – 7000	<u>Discrimination Prohibited in Federal Employment.</u> Require all personnel actions affecting employees or applicants for employment in federal agencies to be made free from any discrimination based on race, color, religion, sex, or national origin.	5 CFR part 720 25 CFR part 170 32 CFR part 588
42 U.S.C. 2000e-17	<u>Government Contracts & Affirmative Action Plans.</u> Establishes a procedure for denial, withholding, termination, or suspension of any Government contract subsequent to Government acceptance of an affirmative action plan.	5 CFR part 720 25 CFR part 170 32 CFR part 588



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E. O. 11478 As amended by E.O. 13087	<u>Federal Agency Affirmative Action Plans.</u> Establishes federal Equal Employment Opportunity policy and requires federal agencies to maintain affirmative action plans.	5 CFR Part 300 24 CFR Part 7 29 CFR Part 1614
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Chapter 12. Health & Safety

Section 12.01 Health Services

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
10 U.S.C. 1071-1107	Medical & Dental Care Program. Armed forces medical and dental care. Authorizes the Secretary to administer the Coast Guard's medical and dental care program for active duty members and retirees.	32 CFR Parts 61, 199, 728, 732,
10 U.S.C. 1075	Subsistence When Hospitalized. Requires a subsistence charge for officers and certain enlisted members when hospitalized.	32 CFR part 728 32 CFR part 732
10 U.S.C. 1076–1106 Selected Provisions	Dependent Care in Uniformed Service Facilities. Authorizes medical care for dependents; charges, facilities, plans in facilities of the uniformed services; determinations of dependency; and so forth.	32 CFR part 728 32 CFR part 732 See, 28 CFR Part 15 , 32 CFR Parts 61, 107, 516, 518.
10 U.S.C. 1078	Charges for Inpatient Dependent Care. Prescribes charges for inpatient medical and dental care.	32 CFR part 728 32 CFR part 732
10 U.S.C. 1079-1083	Contract Medical Care for Dependents. Authorizes contracting for medical care for active duty dependents under appropriate insurance, medical service or health plans. In addition, provides additional hospitalization for dependents (§1083).	32 CFR part 728 32 CFR part 732
10 U.S.C. 1080	Election of Treatment Facility. Permits a dependent to elect the facility where they will receive care.	32 CFR part 728 32 CFR part 732
10 U.S.C. 1081	Review & Adjustment of Payments. Provides for review and adjustment of contractual payments for dependent medical care.	32 CFR part 728 32 CFR part 732
10 U.S.C. 1082	Health Care Contracts Advisory Committee. Authorizes Secretary of Defense to establish advisory committees on insurance, medical service, and health plans; to advise and make recommendations, in accordance with regulations, defining their scope, activities, and procedures.	32 CFR part 728 32 CFR part 732



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10 U.S.C. 1084	<u>Determinations of Dependency.</u> Authorizes conclusive determinations of dependency, grounds for change, and judicial or GAO review.	32 CFR part 728 32 CFR part 732
10 U.S.C. 1085	<u>Reimbursement for Care Provided by Other Executive Departments.</u> Authorizes reimbursement for medical and dental care from another executive department and provides for reimbursement rates as established by the President.	32 CFR part 728 32 CFR part 732
10 U.S.C. 1086-1086a	<u>Contracting for Health Care Benefits.</u> Authorizes contracting for health benefits for certain members, former members, and their dependents.	32 CFR part 728 32 CFR part 732
10 U.S.C. 1087	<u>Programming Facilities.</u> Allows programming of space within uniformed services facilities, for inpatient and outpatient care for certain members, former members, and their dependents.	32 CFR part 728 32 CFR part 732
10 U.S.C. 1088	<u>Subsistence for Air Evac Patients.</u> Allows for subsistence for air evacuation patients.	32 CFR part 728 32 CFR part 732
10 U.S.C. 1089 28 U.S.C. 1346(b) 28 U.S.C. 2672	<u>Defense of Medical Malpractice Suits.</u> Prescribes jurisdiction and remedies available (under Federal Torts Claims Act) for certain suits arising out of medical malpractice.	32 CFR part 728 32 CFR part 732 28 CFR part 543 32 CFR part 536 32 CFR part 842 See http://www4.law.cornell.edu/cgi-bin/usc-cfr.cgi/28/2672 for complete list of parallel authorities
10 U.S.C. 1090	<u>Treatment of Drug & Alcohol Dependence.</u> Authorizes regulations, procedures, and facilities for identifying and treating drug and alcohol dependence.	32 CFR part 728
10 U.S.C. 1091	<u>Personal Services Health Care Contract.</u> Authorizes the Secretary to use the personal services contract authority, currently available to the Secretary of Defense, to contract for health care providers in support of the Coast Guard.	32 CFR part 728 32 CFR part 107
10 U.S.C. 1092	<u>Health Care Delivery Studies.</u> Provides for studies and demonstration projects relating to delivery of health and medical care for uniformed services.	32 CFR part 728



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10 U.S.C. 1093	<u>Restrictions on Performance of Abortions.</u> Authorizes restrictions on use of DoD funds and facilities, for abortions.	32 CFR part 728
10 U.S.C. 1095-1095f Selected Provisions	<u>Collection from Third-Party Payers.</u> Authorizes collection from third-party payers for health care services incurred on behalf of covered beneficiaries.	32 CFR part 728
10 U.S.C. 1095a	<u>Medical Care for Members Held as Captives.</u> Authorizes medical care for members held as captives and their dependents.	32 CFR part 728
10 U.S.C. 1096	<u>Military-Civilian Health Care Partnerships.</u> Provides for a military-civilian health services partnership program.	
10 U.S.C. 1097	<u>Contracting for Alternative Health Care Delivery.</u> Authorizes contracting for alternative medical care for retirees, dependents, and survivors.	
10 U.S.C. 1098	<u>Cost-effective Plans.</u> Authorizes incentives (waiver of limitations and co-pays) for participation in cost-effective health care plans.	
10 U.S.C. 1099	<u>Health Care Enrollment System.</u> Authorizes a health care enrollment system for covered beneficiaries.	
10 U.S.C. 1100	<u>Defense Health Program Account.</u> Establishes a military health care account within DoD for appropriated funds.	
10 U.S.C. 1101	<u>Allocation of Uniformed Services Facilities Resources.</u> Authorizes the use of capitation or diagnosis-related groups as the primary criteria for allocating resources to uniformed health care facilities.	



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10 U.S.C. 1102 14 U.S.C. 645	<u>Quality Assurance Records Confidentiality & Related Qualified Immunity.</u> Provides for the confidentiality of medical quality assurance records and qualified immunity for participants. The title 14 provision expressly exempts Coast Guard quality assurance records from disclosure under the Freedom of Information Act and deems such records privileged and confidential, parallel to DoD provision.	32 CFR part 518
10 U.S.C. 1103	<u>Preemption as to Health Care Contracts.</u> Provides for preemption of State and local government laws and regulations relating to health insurance, prepaid health plans, or other health care delivery or financing methods vis-a-vis medical and dental care contracts of Administering Secretaries.	
10 U.S.C. 1104	<u>Resource Sharing with the Department of Veterans Affairs.</u> Authorizes sharing of health care resources with the Department of Veterans Affairs and provides for reimbursement.	
14 U.S.C. 93(r)	<u>Beneficiary Care.</u> Authorizes the Commandant to provide for medical and dental care for personnel, including use of private facilities.	33 CFR part 74
14 U.S.C. 668	<u>Contract Health Care for Retirees, Dependents, and Survivors.</u> Authorizes the Secretary to contract for the delivery of dependent health care with HMOs, preferred provider organizations, and other alternative providers.	
29 U.S.C. 1169, 1182, 1185, 1191	<u>Protection of Employee Benefit Rights, Group Health Coverage.</u> Provides standards, regulations and protections for group health coverage and continuation of group health.	29 CFR Part 2590
38 U.S.C. 8126	<u>Pharmaceutical Procurement.</u> Includes the Coast Guard in pharmaceutical purchase program administered by the Department of Veterans Affairs.	



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42 U.S.C. 300ff-83	<u>Exposure of Emergency Response Personnel to Infectious Disease (HIV, etc.).</u> Allows emergency response personnel who may have been exposed to an infectious disease by a victim of an emergency who was transported to a medical facility as a result of the emergency to an expedited determination of whether the personnel may have been exposed to an infectious disease by the victim. <i>See</i> Ryan White Comprehensive AIDS Resources Emergency Act of 1990, 42 U.S.C. 300ff <i>et seq.</i> (providing for other AIDS testing, confidentiality, and related provisions).	
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Section 12.02 Safety & Environmental Health

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
7 U.S.C. 136-136w-8 Selected Provisions	<u>Pesticides.</u> Establishes requirements for using, labeling, storing and disposing of pesticides. Also establishes requirements for pesticide applicator certification and training.	SEE NOTE 7 CFR part 319 9 CFR part 94 40 CFR part 22 40 CFR part 167 40 CFR part 180
14 U.S.C. 691-693	<u>Coast Guard Environmental Compliance & Restoration Program.</u> Establishes a program of environmental compliance and restoration at current and former Coast Guard facilities, including an account for appropriated funds and a mandatory annual report to Congress.	SEE NOTE
15 U.S.C. 2669	<u>Radon.</u> Establishes requirements for measuring indoor radon concentrations in Federal buildings.	SEE NOTE 40 CFR part 9
16 U.S.C. 470 E.O. 11593	<u>Historical Preservation.</u> Provides for the preservation of the history and culture of the Nation.	18 CFR part 6 7 CFR part 650 32 CFR part 552 33 CFR part 209 36 CFR part 63 36 CFR part 800 36 CFR part 801 36 CFR part 805 36 CFR part 810 See Also, 36 CFR Parts 60, 65, 78,
21 U.S.C. 301-350d Select Provisions	<u>Food Labeling.</u> Establishes biological and chemical (including pesticide) standards and labeling requirements for food.	Authorities to numerous to list, See PARALLEL TABLE OF AUTHORITIES AND RULES for listing.



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29 U.S.C. 651-672	<u>Occupational Health in Public Sector Workplaces.</u> Establishes occupational health and safety standards for private sector employees. Also establishes requirements for compliance inspections, workplace hazard monitoring, hygienic facilities and practices, reporting, record keeping, medical examinations, training, and protection of employees from reprisal. <i>See also</i> <u>E.O. 12196 (as amended)</u> (extending provisions of <u>29 U.S.C. 651</u> to federal government employees).	29 CFR 1410, 1915, 1917, 1920, 1960 Authorities to numerous to list, <i>See Also</i> , PARALLEL TABLE OF AUTHORITIES AND RULES for listing. SEE NOTE
33 U.S.C. 1251 -1330 Select Provisions	<u>Water Pollution Control.</u> Regulates the discharge of pollutants into the waters of the U.S., including the filling of areas classified as wetlands.	SEE NOTE Authorities to numerous to list, <i>See</i> PARALLEL TABLE OF AUTHORITIES AND RULES for listing.
42 U.S.C. 300-300j-1	<u>Drinking Water.</u> Establishes biological, chemical, and radiological standards for potable water systems. Also establishes monitoring and record keeping requirements.	SEE NOTE 40 CFR Parts 2, 9, 30, 45, 46, 141--143
42 U.S.C. 4901-4915.	<u>Noise Control.</u> Requires Federal agencies to comply with federal, state, interstate, and local requirements for control and abatement of environmental noise.	SEE NOTE 40 CFR part 32, 40 CFR Part 2,32, 204-205,211 209, 211
42 U.S.C. 6901-6917 Selected Provisions	<u>Solid Waste Disposal.</u> Establishes requirements for reporting, record keeping, storage, packaging, labeling, transportation and disposal of wastes. (<i>See also</i> 33 U.S.C. 1401 <i>et seq.</i> Re: Ocean Dumping of Material Wastes).	Authorities to numerous to list, <i>See</i> PARALLEL TABLE OF AUTHORITIES AND RULES for listing.
42 U.S.C. 7401 -7478 Selected Provisions	<u>Air Quality.</u> Establishes national air quality standards and provides for regulation of air pollutants to protect the public health and welfare.	Authorities to numerous to list, <i>See</i> PARALLEL TABLE OF AUTHORITIES AND RULES for listing.

NOTE: Generally, safety and environmental health laws do not constitute independent legal authority to act. Rather, these laws set standards for *compliance*, with which Coast Guard



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operations comply. However, the legal authority for these actions generally lies elsewhere. It is beyond the scope of this manual to cite the myriad of regulations, implementing these compliance statutes, or even to provide a comprehensive listing of the statutes themselves. For a more thorough discussion of these requirements refer to the Safety and Environmental Health Manual, COMDTINST M5100.47 (series). For questions concerning the applicability of specific standards or requirements to a Coast Guard activity, consult with the appropriate Coast Guard environmental lawyers. For more information about living resource conservation laws (such as the Endangered Species Act), see Chapter 18.



Part IV LAW ENFORCEMENT AND DEFENSE OPERATIONS

Chapter 13. General Authority For Law Enforcement Activity

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
10 U.S.C. 371-382	<u>DoD Support for Coast Guard and Civilian Law Enforcement.</u> Provide for sharing of intelligence and providing of Defense equipment and personnel under specified conditions to assist in law enforcement operations.	
14 U.S.C. 2	<u>Law Enforcement as a Primary Duty.</u> Requires the Coast Guard to, among other things, enforce or assist in the enforcement of all applicable Federal laws on, under, and over the high seas & waters subject to the jurisdiction of the United States, and to engage in maritime air surveillance or interdiction to enforce or assist in the enforcement of the laws of the United States.	33 CFR Parts 1, 26, 80, 82
14 U.S.C. 89	<u>Authorized Law Enforcement Activities.</u> Authorizes the Coast Guard to go on board any vessel subject to the jurisdiction or operation of any law of the United States, whether on the high seas, or on waters over which the United States has jurisdiction, in order to make inquiries, examinations, inspections, searches, seizures, and arrests for the prevention, detection, and suppression of violations of laws of the U.S.	
14 U.S.C. 93(a) & (e)	<u>Patrol & Investigative Functions.</u> Authorizes the Commandant to engage in land, water, and air patrols, and to conduct investigations or studies that may be of assistance to the performance of any of its duties, powers, or local functions.	33 CFR part 74
14 U.S.C. 95	<u>Coast Guard Investigative Service Authority.</u> Grants law enforcement authority for CGIS special agents commensurate with special agents of the Defense Criminal Investigative Service, in the enforcement of statutes under which the Coast Guard has law enforcement authority or under exigent circumstances.	



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14 U.S.C. 141 , See Also, 14 U.S.C. 142-148 .	<u>Cooperation with Other Agencies and States.</u> The Coast Guard, upon request, may use its personnel and facilities to assist any Federal agency, state, territory, possession, or political subdivision to perform activities for which it is especially qualified.	
14 U.S.C. 143	<u>Cooperation with The Department of Treasury, Coast Guard as Customs Officers.</u> When acting as officers of the customs, Coast Guard commissioned, warrant, and petty officers shall be subject to regulations issued by the Secretary of the Treasury.	33 CFR Part 74
14 U.S.C. 634	<u>Appointment as Captain of the Port & Deputy U.S. Marshal.</u> Authorizes the Commandant to designate officers, including petty officers as Captain of the Port and allows commissioned officers to be appointed as Deputy U.S. Marshals in Alaska.	33 CFR Part 6
14 U.S.C. 637	<u>Stopping Vessels & Immunity for Firing on Vessels.</u> Authorizes the Coast Guard to stop vessels, including the firing of a warning signal and disabling fire at a vessel that does not stop, from a CG vessel or aircraft, or a DoD vessel with CG LEDET personnel embarked.	
14 U.S.C. 639	<u>Penalty for Unauthorized Use of Words “Coast Guard.”</u> Prohibits use without authority of the combination of letters "USCG" or "USCGR", the words "Coast Guard," "United States Coast Guard," "Coast Guard Reserve," "United States Coast Guard Reserve," "Coast Guard Auxiliary," "United States Coast Guard Auxiliary," "Lighthouse Service," or "Life Saving Service".	
15 U.S.C. 71-77	<u>Wartime Role.</u> Authorize the President to use the Coast Guard, as part of the naval forces of the United States, to enforce regulations governing unfair methods of competition, in time of war when the United States is neutral.	
15 U.S.C. 1171-1178	<u>Regulation of Gambling Devices.</u> Regulates the shipment of gambling devices through interstate or foreign commerce, authorizing confiscation of the devices and the means of transportation.	17 CFR part 239 28 CFR part 9



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18 U.S.C. 3056 (See note)	<u>Assisting the Secret Service.</u> Requires the Coast Guard to assist the Secret Service by providing services, equipment and facilities, when requested. (See Presidential Protection Assistance Act of 1976, PL. 91-651, 84 Stat. 1941).	31 CFR Parts 409, 413
19 U.S.C. 1581(d)	<u>Penalty for Failure to Stop.</u> Requires any vessel or vehicle which is directed to come to a stop by any officer of the customs, to obey the command. Establishes a penalty of not more than \$5,000 nor less than \$1,000 for failure to comply.	19 CFR Part 4
25 U.S.C. 2804	<u>Authority to Enter into Agreements with Indian Tribes.</u> Authorizes the head of a Federal agency with law enforcement personnel or facilities to enter into an agreement (with or without reimbursement) with an Indian tribe.	
33 U.S.C. 1-3	<u>Enforcement of Army Corps of Engineer Regulations.</u> Provides authority to enforce regulations of the Secretary of the Army for the protection of the navigable waters.	33 CFR part 207 33 CFR part 209 33 CFR part 245 36 CFR part 327 33 CFR part 334
46 App. U.S.C. 324	<u>Penalties for resisting or obstructing officer enforcing law relating to vessels engaged in domestic commerce.</u> Provides for a penalty of \$500 for any person who assaults or hinders any officer in the execution of any Act or law relating to the enrollment, registry, or licensing of vessels, or of title 50 of the Revised Statutes.	
48 U.S.C. 1494b	<u>Enforcement and Administration of Insular Areas-Patrol Vessel in St. Croix, USVI.</u> Requires the Coast Guard to station a patrol vessel in St. Croix, U.S. Virgin Islands.	
Presidential Decision Directive 27 (PDD/NSC-27) of January 19, 1978	<u>Interagency coordination for Non-military Incidents.</u> Requires coordination within the Executive Branch for all non-military incidents, which could have an adverse affect on the conduct of U.S. foreign relations, such as boardings of foreign or stateless vessels in international waters or entry by Coast Guard personnel into the waters of a foreign state. (<i>see also</i> , Maritime Law Enforcement Manual (MLEM), COMDTINST M16247.1 (series))	



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International Instruments

- ◆ *Convention on the High Seas* (1958), 13 UST 2312, TIAS 5200, 450 UNTS 82.
- ◆ *Convention on the Continental Shelf* (1958), 15 UST 471, TIAS 5578, 449 UNTS 311.
- ◆ *Convention on the Territorial Sea and the Contiguous Zone* (1958), TIAS 5639, 516 UNTS 205.
- ◆ *Proclamation 5928 of December 27, 1988, Territorial Sea of the United States*, 54 FR 777.
- ◆ *Treaty Providing for Reciprocal Rights for the United States and Canada in Matters of Conveyance of Prisoners and Wrecking and Salvage* (1908), 35 Stat. 2035, TS 502, 12 Bevans 314.
- ◆ *Treaty Relating to the Boundary Waters and Questions Arising Along the Boundary Between the United States and Canada* (1909), 36 Stat. 2448, TS 548, 12 Bevans 319.
- ◆ *United Nations Convention on the Law of the Sea* (UNCLOS), entered into force November 16, 1994. As of January 1, 1999, pends advice and consent of the U.S. Senate. United Nations Publication, Sales No. E.97.V.10, ISBN 92-1-133522-1 (1997) (including Part XI agreement).
- ◆ **NOTE: Numerous counter narcotics bilateral and multilateral agreements exist and are constantly being amended. For up to date general information concerning these agreements, or for information about current agreements with a specific country, it is recommended that the reader refer to the Maritime Law Enforcement Manual (MLEM), COMDTINST M16247.1 (series), or contact the Office of Law Enforcement (G-OPL) or the Office of Maritime and International Law (G-LMI) , which track and catalog the agreements.**



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Chapter 14. Specific Criminal Offenses

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
18 U.S.C. 7	<u>Special Maritime and Territorial Jurisdiction (SMTJ).</u> Defines the term "special maritime and territorial jurisdiction."	
18 U.S.C. 81	<u>Arson in the SMTJ.</u> Criminal provision concerning arson within the special maritime and territorial jurisdiction.	
18 U.S.C. 111	<u>Impeding Boarding.</u> Criminal provisions concerning assaulting, resisting, or impeding Coast Guard officer or enlisted personnel in the performance of duty.	
18 U.S.C. 113-114	<u>Assault in the SMTJ.</u> Criminal provisions concerning assault or maiming within the special maritime and territorial jurisdiction.	
18 U.S.C. 201-203	<u>Bribing Public Officials.</u> Criminal provisions concerning bribery of public officials.	24 CFR Part 0 12 CFR Part 511 29 CFR Part 2202 20 CFR Part 360 14 CFR Part 300
18 U.S.C. 231-233	<u>Civil Disorder.</u> Criminal provisions concerning civil disorders.	
18 U.S.C. 371-372	<u>Conspiracy.</u> Criminal provisions concerning conspiracy to commit crimes, defraud the United States, or impede or injure any officer of the United States.	
18 U.S.C. 641-669 Selected Provisions	<u>Theft.</u> Various criminal provisions relating to embezzlement and theft.	12 CFR Part 4 22 CFR Part 713 43 CFR Part 8200 49 CFR Part 801
18 U.S.C. 751-758	<u>Escape of Prisoners.</u> Criminal provisions relating to escape of prisoners.	28 CFR Part 570
18 U.S.C. 792-798a	<u>Espionage.</u> Criminal provisions concerning espionage.	32 CFR Parts 322, 518
18 U.S.C. 911-913	<u>False Impersonation.</u> Criminal provisions for false impersonation.	
18 U.S.C. 921-929	<u>Firearms & Dangerous Devices.</u> Criminal provisions concerning firearms and dangerous devices.	27 CFR part 72



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18 U.S.C. 956-967	Neutrality Violations. The Coast Guard enforces the provisions of these foreign relations statutes as they relate to arming a vessel or an expedition against a friendly nation or other violation of United States neutrality.	
18 U.S.C. 1001 -1031	Fraud, Fraudulent and False Statements. Criminal provisions concerning fraud, false and fraudulent statements and pretenses.	7 CFR Part 1443 25 CFR Part 151 32 CFR Part 525
18 U.S.C. 1071-1074	Fugitives. Criminal provisions concerning fugitives from justice.	
18 U.S.C. 1081-1084	Gambling. Criminal provisions concerning gambling, including enforcement against gambling ships and transportation between shore and gambling ships.	
18 U.S.C. 1111 -1117	Homicide in the SMTJ. Criminal provisions concerning homicide within the special maritime and territorial jurisdiction of the United States.	28 CFR Part 64 22 CFR Part 2
18 U.S.C. 1201-1204	Kidnapping in the SMTJ. Criminal provisions concerning kidnapping within the special maritime and territorial jurisdiction of the United States.	
18 U.S.C. 1203	Hostage Taking. Criminal provision concerning the taking of hostages in the United States or involving a United States national.	
18 U.S.C. 1261-1265	Liquor Commerce. Criminal provisions concerning regulation and enforcement of liquor traffic.	27 CFR Part 72
18 U.S.C. 1301 & 1302	Lottery Tickets. Criminal provision concerning the importing or transporting of lottery tickets.	37 CFR Part 212
18 U.S.C. 1361-1368	Destruction of Property/Interference with Foreign Commerce. Criminal provisions concerning malicious destruction of government property within the special maritime and territorial jurisdiction or interference with foreign commerce by violence.	
18 U.S.C. 1382	Unlawful Entry of Government Property. Criminal provisions for unlawful entry of military, naval, or Coast Guard property.	32 CFR part 527 32 CFR part 552 32 CFR part 770
18 U.S.C. 1501, 1503, 1509-1510	Obstruction of Justice. Criminal provisions for obstruction of justice.	



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18 U.S.C. 1581-1594	<u>Slavery.</u> Criminal provisions concerning vessels and persons involved in peonage and slavery.	
18 U.S.C. 1621-1623	<u>Perjury.</u> Imposes criminal sanctions for false swearing (perjury) and subornation of perjury	22 CFR Part 51 49 CFR Part 1104
18 U.S.C. 1651-1661	<u>Piracy.</u> Criminal provisions concerning piracy and privateering.	
18 U.S.C. 1751-1752	<u>Offenses Against the President.</u> Criminal provisions concerning Presidential assassination, kidnapping, and assault, including protection of the temporary residence of the President.	31 CFR Part 408
18 U.S.C. 1951-1955	<u>Racketeering.</u> Criminal provisions concerning racketeering.	28 CFR Part 9
18 U.S.C. 1961-1968 See Also, 18 U.S.C. 1951-1959	<u>R.I.C.O.</u> Criminal provisions concerning racketeer influenced and corrupt organizations.	28 CFR Part 9
18 U.S.C. 2101-2102	<u>Inciting Riot.</u> Criminal provisions for the use of interstate or foreign commerce to incite riot.	
18 U.S.C. 2111-2117	<u>Robbery & Burglary in the SMTJ.</u> Criminal provisions for robbery and burglary within the special maritime and territorial jurisdiction.	
18 U.S.C. 2151-2157	<u>Sabotage.</u> Criminal provisions concerning sabotage of material, premises, or utilities necessary for the national defense.	32 CFR Part 761
18 U.S.C. 2191-2199	<u>Unlawful Treatment of Seaman.</u> Criminal provisions concerning the treatment of seamen and stowaways.	
18 U.S.C. 2231-2236	<u>Obstruction of Search/Seizure.</u> Criminal provisions concerning obstruction of searches and seizures.	
18 U.S.C. 2241-2246	<u>Sexual Abuse in the SMTJ.</u> Criminal provisions concerning sexual abuse within the special maritime and territorial jurisdiction of the United States.	
18 U.S.C. 2271-2280	<u>Destruction, Breaking, & Entering of Vessels.</u> Various criminal provisions concerning shipping, including destruction of vessels and breaking and entering vessels and violence against maritime navigation.	
18 U.S.C. 2311-2314	<u>Transportation of Stolen Property.</u> Criminal provision for the transportation of stolen property.	
18 U.S.C. 2381-2389 Selected Provisions	<u>Subversive Activities.</u> Criminal provisions concerning treason, sedition, and subversive activities.	28 CFR Part 10



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18 U.S.C. 2421-2427	<u>Transportation for the Purpose of Illegal Sexual Activity.</u> Criminal provisions concerning transportation of persons for illegal sexual activity and related crimes.	
19 U.S.C. 70	<u>Obstruction by Vessel Masters.</u> Civil provision for obstruction of Coast Guard officers by masters of vessels.	
21 U.S.C. 848	<u>Continuing Criminal Enterprises.</u> Prohibits continuing criminal enterprises and provides for penalties.	21 CFR part 5 28 CFR part 524
47 U.S.C. 21-39	<u>Submarine Cables.</u> Provides criminal and civil penalties for interference or injury to submarine cables.	



Chapter 15. Drug Interdiction

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
10 U.S.C. 379-380	<u>Assignment of Coast Guard Personnel to Naval Vessels for Law Enforcement.</u> Requires the assignment of Coast Guard personnel to naval vessels in drug-interdiction areas for law enforcement purposes, and sets out requirements to enhance cooperation	
18 U.S.C. 2118 , See Generally, 18 U.S.C. 2111-2119 .	<u>Robbery/Burglary Involving Controlled Substances.</u> Criminal provision concerning robberies and burglaries involving controlled substances.	
21 U.S.C. 841-843	<u>Distribution & Possession.</u> Prohibits knowing or intentional distribution of, or possession with intent to distribute, controlled substances in the U.S., and provides applicable penalties. *NOTE* 21 U.S.C. 841 has been ruled unconstitutional, see file for explanation.	21 CFR part 5 Authorities too numerous to list See PARALLEL TABLE OF AUTHORITIES AND RULES for listing.
21 U.S.C. 844-844a	<u>Possession.</u> Prohibits possession of controlled substances in the United States and provides applicable penalties.	21 CFR part 5 39 CFR part 232 Authorities too numerous to list See PARALLEL TABLE OF AUTHORITIES AND RULES for listing.
21 U.S.C. 846-848	<u>Conspiracy to Possess or Distribute.</u> Prohibits attempt or conspiracy to violate 21 U.S.C. 841 or 844.	21 CFR part 5 21 CFR part 1308 21 CFR part 1316 Authorities too numerous to list See PARALLEL TABLE OF AUTHORITIES AND RULES for listing.
21 U.S.C. 871-890	<u>Drug Abuse Enforcement & Prevention.</u> Enforcement procedures and provisions for the prevention and control of drug abuse.	21 CFR Part 1312 Authorities too numerous to list See PARALLEL TABLE OF AUTHORITIES AND RULES for listing.



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21 U.S.C. 951-971 Selected Provisions	<u>Import & Export of Controlled Substances.</u> Laws pertaining to importation and exportation of controlled substances, including possession on a vessel (§955) and attempt or conspiracy (§963) to import or export controlled substances.	
22 U.S.C. 2291	<u>Participation in Police Actions in Foreign Nations.</u> Prohibits U.S. employees or officers from directly effecting an arrest in a foreign country, with certain exceptions (e.g., territorial sea).	32 CFR part 744
46 App. U.S.C. 1901-1904	<u>Manufacture, Distribution, or Possession with Intent Aboard a Vessel.</u> Prohibits the knowing or intentional manufacture, distribution, or possession with intent to distribute, of any controlled substances by any person on board a vessel subject to the jurisdiction of the U.S.; by a U.S. citizen aboard any vessel; or by any person aboard a vessel without nationality; and prohibits importation by any person.	
P.L. 104-324 (♣103)	<u>Report on Drug Interdiction Expenditures.</u> Requires the Secretary to submit a quarterly report to House & Senate committees detailing Coast Guard drug interdiction expenditures. (Note: This provision was not codified).	
National Drug Control Strategy	<u>Missions.</u> Classified annex assigns specific missions to the Coast Guard regarding shielding air, land, & sea frontiers from drug threats and breaking foreign & domestic drug sources of supply.	
National Interdiction Control Plan (October 9, 1997)	<u>Interception of Maritime Targets of Interest.</u> Assigns to the Coast Guard responsibility for intercepting and apprehending maritime targets of interest detected in international waters & airspace.	



International Instruments

- ♦ *Convention on Psychotropic Substances* (1971),(1980), 32 UST 543, TIAS 9725, 1019 UNTS 175.
- ♦ *Single Convention on Narcotic Drugs*, 1961 (1961), 18 UST 1407, TIAS 6298, 520 UNTS 204. Protocol (1972), 26 UST 1439, TIAS 8118. Amendments (1967), 18 UST 3279, TIAS 6423; (1968), 19 UST 4668, TIAS 6458; (1969), 20 UST 4064, TIAS 6795; (1971), 22 UST 1808, TIAS



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- 7223; (1973), 25 UST 2772, TIAS 7945; (1974), 25 UST 651, TIAS 7817.
- ◆ *United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*, 1988 (1990).
 - ◆ **NOTE:** Numerous counter narcotics bilateral agreements exist and are constantly being amended. For up to date general information concerning these agreements, or for information about current agreements with a specific country, it is recommended that the reader refer to the Maritime Law Enforcement Manual (MLEM), COMDTINST M16247.1 (series), or to contact the Office of Law Enforcement (G-OPL) or the Office of Maritime and International Law (G-LMI), which track and catalog the agreements.



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Chapter 16. Recreational Boating Safety

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
33 U.S.C. 1233	<u>Marine Parades & Regattas.</u> Authorizes the Coast Guard to issue and enforce regulations, and prescribes penalties for failure to comply, to promote safety during marine parades and regattas.	33 CFR part 110.33 CFR part 100.33 CFR part 62
46 U.S.C. 2302	<u>Negligent or Grossly Negligent Operation of a Vessel; Operation Under the Influence of Alcohol or a Dangerous Drug.</u> Authorizes the Coast Guard to cite an operator for negligent or grossly negligent operation, or operation of a vessel under the influence of alcohol or a dangerous drug, and to set standards for determining when an operator is under the influence of alcohol or a dangerous drug. The Coast Guard has entered into MOAs with some States (<i>e.g.</i> , Florida, Georgia) to cooperate in enforcing Boating Under the Influence laws, wherein States agree to accept and prosecute Coast Guard BUI cases.	33 CFR part 95
46 U.S.C. 4101-4106	<u>Safety Equipment Carriage Requirements for Uninspected Vessels (Recreational).</u> Authorizes the Coast Guard to establish and enforce safety requirements for recreational uninspected vessels with regard to fire extinguishers, backfire flame arrestors, and ventilation and penalties for failure to comply.	46 CFR Parts 24, 26, 27, 162
46 U.S.C. 4301-4311	<u>Safety Standards and Equipment Carriage Requirements for Recreational Vessels.</u> Authorizes the Coast Guard to establish and enforce minimum safety standards for recreational vessels and associated equipment. Addresses Federal preemption, prohibited acts, and exemptions, termination of unsafe operation, and prescribes penalties for failure to comply.	19 CFR Part 12 33 CFR Parts 174, 175, 177, 179, 181, 183 46 CFR Parts 24, 25, 160--162, 164



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46 U.S.C. 4302	<u>Prescribing Standards for Recreational Vessels and Associated Equipment.</u> Authorizes the Coast Guard to prescribe regulations establishing minimum safety standards for recreational vessels and associated equipment, require the display of labels evidencing compliance with safety standards, procedures and tests required to measure conformance with those standards, and carriage requirements. Requires the Coast Guard to consider relevant available boat safety standards, statistics, and data and consult with the National Boating Safety Advisory Council, in establishing a need for prescribing regulations and standards.	19 CFR Part 12 33 CFR Parts 174, 175, 177, 179, 181, 183 46 CFR Parts 24, 25, 160--162, 164
46 U.S.C. 4303	<u>Examination, Inspecting, & Testing of Recreational Boats & Equipment.</u> Authorizes the Coast Guard to conduct (or delegate) inspection, testing, and examination functions to develop, and determine compliance with, safety standards for recreational vessels and associated equipment.	33 CFR Part 183
46 U.S.C. 4304	<u>Important of Nonconforming Vessels.</u> Authorizes the Coast Guard to develop joint Coast Guard/Bureau of Customs regulations concerning the importation of foreign-built recreational vessels and associated equipment.	19 CFR Part 12
46 U.S.C. 4305	<u>Exemptions.</u> Authorizes the Coast Guard to issue exemptions from 46 U.S.C. Chapter 43, or a regulation issued under that Chapter, if recreational boating safety will not be adversely affected.	33 CFR 181, 183
46 U.S.C. 4306	<u>Federal Preemption.</u> Establishes Federal preemption of the States with regard to the issuance of specified standards and equipment requirements.	19 CFR part 12
46 U.S.C. 4307	<u>Prohibited Acts.</u> Prohibits the manufacture, sale, or importation of recreational vessels and associated equipment unless they comply or are intended solely for export. Requires defect notification, reasonable diligence when conducting defect notification, and prohibits sale of a vessel containing a defect per 46 U.S.C. 4310.	33 CFR part 179 19 CFR part 12 33 CFR Parts 179, 181, 183



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46 U.S.C. 4308	<u>Unsafe Operation of Recreational Vessel.</u> Provides authority to direct movement of a recreational vessel observed operating in an unsafe condition, including directing it to return to mooring, until the unsafe condition is corrected or has ended.	
46 U.S.C. 4309 See Also, 46 U.S.C. 4310	<u>Investigation and Reporting.</u> Requires vessel manufacturers subject to 46 U.S.C. Chapter 43 to establish records and provide information necessary for the Coast Guard to determine whether the manufacturer is in compliance. Exempts trade secrets from public disclosure.	33 CFR Parts 179, 181, 183
46 U.S.C. 4310	<u>Repair and Replacement of Defects.</u> Specifies that only “designated associated equipment” is subject to defect notification requirements. Prescribes defect notification and correction procedures for a manufacturer who determines the existence of a substantial risk defect or failure to comply, and for a manufacturer who is directed to conduct defect notification by the Coast Guard. Requires reasonable diligence in conducting notification. Limits duty to notify/correct to 5 years from date of certification or manufacture of recreational vessel or associated equipment.	19 CFR part 12 33 CFR part 179 See Also, 33 CFR Parts 179, 84 181, 183 46 U.S.C. 25, 58, 160
46 U.S.C. 4311	<u>Penalties and Injunctions.</u> Prescribes penalties for prohibited acts in 46 U.S.C. 4307. Authorizes injunctive relief to restrain the sale or importation of noncomplying recreational vessels or associated equipment.	33 CFR part 177 33 CFR part 179
46 U.S.C. 6101-6108	<u>Marine Casualty Reporting Requirements and Related Provisions.</u> Requires the Secretary to prescribe regulations on the reporting of marine casualties and incidents involving U.S. owned recreational vessels and vessels required to be numbered by a State, except inspected vessels, for casualties occurring anywhere in the world, and uninspected foreign owned vessels operating on the navigable waters of the United States; prescribes civil penalties for failure to comply; address the public nature of investigation and the admissibility of evidence.	33 CFR Parts 1, 164, 173, 174 46 CFR Parts 4, 26, 28, 35, 78, 97, 109, 122, 131, 167, 185, 196, 197, 401



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46 U.S.C. 6102	State Reporting Systems. Requires the Secretary to prescribe regulations for a uniform State marine casualty reporting system for U.S. owned recreational vessels and vessels required to be numbered by a State, except inspected vessels, for casualties occurring anywhere in the world, and uninspected foreign owned vessels operating on the navigable waters of the United States; and prescribes civil penalties for failure to comply.	33 CFR Parts 1, 173, 174
46 U.S.C. 12301-12309	Undocumented Vessel Numbering. Requires the Secretary to establish and maintain an undocumented vessel numbering system and issue regulations, including exemptions, for its administration; and prescribes civil penalties for failure to comply.	33 CFR Part 173, 174
46 U.S.C. 12501-12507 46 U.S.C. 31322(d)	Vessel Identification System (VIS). Requires the Secretary to establish a vessel identification system to provide ownership and other information on Coast Guard documented and State-numbered vessels. Provides preferred mortgage status for vessels in States that participate in VIS and have a titling system certified to be in compliance with Federal guidelines for State vessel titling systems. State participation in VIS is voluntary.	33 CFR Part 187
46 U.S.C. 13101-13109	Recreational Boating Safety (RBS) Programs. Establishes Federal recreational boating safety program and prescribes requirements for State boating safety programs as a condition of receipt of Federal RBS funds. Provides for consultation and cooperation among the Coast Guard, States, and private parties in promoting boating safety (§13109).	49 CFR Part 18 ("Common Rule" for State grant administration)
46 U.S.C. 13101-13104	Allocation of Funds to the States. Requires the Coast Guard to make contracts with, and allocate and distribute Federal funds to States to assist them in developing, carrying out, and financing State recreational boating safety programs. Allocated funds remain available for obligation by a State for two years (as amended by <i>TEA-21</i>): P.L. 105-778; eff. FY1999).	



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46 U.S.C. 13103	<u>Allocation of Funds to Non-Profit Organizations.</u> Authorizes the Coast Guard to allocate and distribute a fixed proportion of Federal funds for national boating safety activities of national non-profit public service organizations.	49 CFR Part 19 (DOT “Common Rule” for non-profit grant administration)
46 U.S.C. 13106 16 U.S.C. 777c(b) 26 U.S.C. 9503(c)(4) 26 U.S.C. 9504(c)	<u>Recreational Boating Safety Program Funding.</u> Funding for Federal RBS program is provided by motorboat fuel taxes deposited in the Highway Trust Fund and transferred to the Aquatic Resources (Wallop-Breaux) Trust Fund, within which the Boat Safety Account is established. Funding for the Federal RBS grant program was revamped by TEA 21st Century, P.L. 105-178. Funding derives from a combination of discretionary Boat Safety Account appropriations. Clean Vessel Act funds, but the latter amount is now determined by formula based upon the amount of discretionary appropriations made, vice fixed amounts for fiscal years. In addition, \$5,000,000 of the funds made available to the Coast Guard, is available to the Secretary for payment of expenses of the Coast Guard for personnel and activities directly related to coordinating and carrying out the national recreational boating safety program under title 46, of which a minimum of \$2,000,000 is available to the Secretary only to ensure compliance with chapter 43 of title 46. No funds available to the Secretary under this provision may be used to replace funding traditionally provided through general appropriations, nor for any purposes except those purposes authorized by section 13106 of title 46.	
46 U.S.C. 13108	<u>Auditing State Programs.</u> Authorizes the Coast Guard to have access to state records pertaining to Federal grants for State boating safety programs for auditing purposes.	49 CFR Part 18 (DOT “Common Rule” for State grant administration)
46 U.S.C. 13109	<u>State Liaison.</u> Authorizes the Coast Guard to advise, assist, and cooperate with the States and other interested public and private agencies in planning, developing, and carrying out boating safety programs.	



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46 U.S.C. 13110	<u>National Boating Safety Advisory Council.</u> Requires the Secretary to establish the National Boating Safety Advisory Council and prescribes functions, membership, and termination date.	49 CFR Part 95 (DOT regulations governing advisory committees)
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Chapter 17. Customs & Immigration

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
8 U.S.C. 1182(f)	<u>Presidential Immigration Authority.</u> Provides that when the President finds that entry of any class of aliens into the U.S. would be detrimental to the interests of the U.S., he may suspend entry or impose restrictions on entry by proclamation.	Authorities to numerous to list, <i>See</i> PARALLEL TABLE OF AUTHORITIES AND RULES and http://www4.law.cornell.edu/cgi-bin/usc-cfr.cgi/8/1182 for listing
8 U.S.C. 1185	<u>Illegal Immigration.</u> Makes it unlawful for any alien to enter or attempt to enter the U.S. except under such regulations, and subject to such limitations and exceptions, as the President may prescribe.	8 CFR Part 215 22 CFR Parts 46, 53
8 U.S.C. 1281-1288	<u>Regulation of Alien Crewmen.</u> Provisions concerning alien crewmen.	8 CFR Parts 208, 209, 214, 251, 252, 253, 258, 655, 280 20 CFR Part 655 22 CFR Part 89 29 CFR Part 506
8 U.S.C. 1321-1330	<u>Illegal Immigration Penalties.</u> Criminal penalty provisions for illegally assisting entry, attempting entry or entering of illegal aliens into the United States.	8 CFR Part 241, 271, 280 270, 273, 274, 28 CFR Part 3, 9, 44, 68, 274a,
14 U.S.C. 143 19 U.S.C. 1401	<u>Coast Guard Personnel As Customs Officers.</u> Authorizes Coast Guard officers and petty officers to act as customs officers. The title 19 provision has the same effect, and defines customs waters and hovering vessels.	
18 U.S.C. 496	<u>Forging Customs Documents.</u> Criminal provision concerning forgeries relating to customs matters.	
18 U.S.C. 541-553	<u>Criminal Customs Violations.</u> Various criminal provisions relating to customs enforcement.	19 CFR Parts 145, 161, 162, 191



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18 U.S.C. 1423-1431 Selected Provisions	<u>Misuse of Immigration Documents.</u> Criminal sanctions for misuse or reproduction of citizenship or naturalization papers.	
19 U.S.C. 507	<u>Failure to Assist a Customs Officer.</u> Criminal provision for failure to assist a customs officer after his identify has been made known.	
19 U.S.C. 540	<u>Use of Vessels to Enforce Customs Law.</u> Authorizes the President to use suitable vessels for enforcing the customs laws, in addition to Coast Guard vessels.	
19 U.S.C. 1431-1467	<u>Report, Entry, & Unloading of Vessels.</u> Defines requirements and authorizes civil and criminal penalties concerning the report, entry, and unloading of vessels.	19 CFR Parts 4, 24, 103, 122, 123 142, 162
19 U.S.C. 1581-1630	<u>Authority in Customs Waters.</u> Enforcement provisions for the enforcement of customs laws, including authority to board vessels, examine hovering vessels, and search and seizure. Authorizes the settlement of claims of less than \$50,000. These provisions are generally limited to customs waters.	19 CFR Parts 4, 24, 123 141, 142, 161, 162 171; 21 CFR Part 1316; 50 CFR Part 12 See Also, PARALLEL TABLE OF AUTHORITIES AND RULES for complete listing
19 U.S.C. 1581(a)	<u>Customs Boarding.</u> Authorizes customs officers to board vessels and examine the manifest and other documents, search the vessel and persons on board, and use force to compel compliance.	19 CFR Parts 4,
19 U.S.C. 1701-1711	<u>Anti-Smuggling.</u> General enforcement provisions specifically authorizing Coast Guard enforcement of the anti-smuggling regulations.	19 CFR Parts 4, 162
50 U.S.C. 191	<u>Regulation of Anchorage and Movement of Vessels during National Emergency.</u> Provides authority for Coast Guard to control ports and anchorages after a determination by the Attorney General that an actual or anticipated mass migration of aliens to the U.S. presents urgent circumstances requiring an immediate federal response.	33 CFR part 6 33 CFR part 125 30 CFR part 723, See Also 33 CFR Part 165



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<u>Presidential Decision Directive 9, June 1993 (PDD/NSC-9) [CLASSIFIED]</u>	<u>Repatriation Process.</u> Directs USCG at-sea interdiction of vessels engaged in alien smuggling and transportation of migrants to the flag state of the vessel or to another non-U.S. country.	
<u>E.O. 12807 of May 24, 1992</u>	<u>Interdiction of Certain Illegal Migrants.</u> Directs the Coast Guard to stop and board defined vessels when there is reason to believe they are engaged in the irregular transport of persons.	
<u>Presidential Proclamation 4865, dated September 29, 1981.</u>	<u>Alien Interdiction on the High Seas.</u> Suspends entry of undocumented aliens from the high seas and establishes interdiction program.	



International Instruments

- ◆ *Customs Convention on Containers* (1956), 20 UST 301, TIAS 6634, 338 UNTS 103. Controls inspection and customs clearance procedures for containerized cargo.
- ◆ *Customs Convention on International Transport of Goods under Cover of TIR Carnets* (1975). Amendments (1978); (1979); (1980); (1981).
- ◆ *Universal Declaration of Human Rights*, December 10, 1948, G.A. Res 217 A (III).
- ◆ *Convention relating to the Status of Refugees*, July 28, 1951, 189 UNTS 150.
- ◆ *Protocol relating to the Status of Refugees*, January 31, 1967, 19 UST 6223; TIAS 6577; 606 UNTS 267.
- ◆ *Declaration on Territorial Asylum*, December 14, 1967, G.A. Res. 2312 (XXII).
- ◆ *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, December 10, 1984, P. L. No. 105-277, Division G, Oct. 21, 1998; G.A. Res. 39/46; GAOR Supp. No. 51, at 197; U.N. Doc. A/39/51 (1984).
- ◆ *Convention to Suppress the Slave Trade and Slavery*, September 25, 1926, 46 Stat. 2183; TS 778.
- ◆ *Protocol Amending the Slavery Convention*, September 25, 1926, 7 UST 479; TIAS 3532.
- ◆ *May 2, 1995 Joint Press Statement (“the Cuba Accord”)*. Establishes that Cuban migrants interdicted at sea by the U.S. will be returned to Cuba. [Note: This is a statement of mutual understanding and is not a formal international agreement.]



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Chapter 18. Living Marine Resources

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
16 U.S.C. 743a	<u>Detailing Personnel to Fish & Wildlife Service.</u> Authorizes detailing Coast Guard personnel and loaning of equipment to the U.S. Fish and Wildlife Service, Department of Interior.	
16 U.S.C. 773i-773j	<u>North Pacific Halibut.</u> Authorizes the Coast Guard to enforce provisions concerning the conservation of North Pacific halibut. Authorizes Appropriations.	15 CFR part 904 50 CFR Parts 300, 679
16 U.S.C. 785	<u>Commercial Sponge Fishery.</u> Authorizes the Secretary of Commerce to employ Coast Guard vessels and personnel to enforce the provisions covering the taking of commercial sponges in the Gulf of Mexico or in the Straits of Florida.	15 CFR part 904
16 U.S.C. 916-917d	<u>Whaling.</u> Authorizes the Coast Guard, among others, to enforce the provisions concerning the taking of whales.	15 CFR part 904 50 CFR 18, 23, 230
16 U.S.C. 959- 973r	<u>Tuna Conventions.</u> Authorizes the Coast Guard to enforce provisions of the Tuna Conventions. Provides rules regulations and authorities for tuna conventions and their enforcement	50 CFR 216 15 CFR part 904 50 CFR part 300
16 U.S.C. 971d	<u>Atlantic Tuna.</u> Authorizes the Coast Guard to enforce provisions on the conservation of Atlantic tuna.	15 CFR part 904 50 CFR 216 285
16 U.S.C. 1156	<u>Fur Seals & Sea Otters.</u> Authorizes the Coast Guard to enforce the provisions for the protection of fur seals and sea otters in the North Pacific Ocean.	15 CFR part 904
16 U.S.C. 1377	<u>Marine Mammals.</u> Authorizes the Secretary of Commerce to use, by agreement, other Federal agencies to enforce provisions for the conservation and protection of marine mammals.	15 CFR part 904 15 CFR part 904 50 CFR part 17 50 CFR part 82 50 CFR part 216 50 CFR part 10 50 CFR part 12



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16 U.S.C. 1431-1443	Marine Sanctuaries. Requires the Secretary of Commerce to consult with the Secretary of Transportation and the heads of other interested agencies before the designation of marine sanctuaries. Expressly does <u>not</u> limit the authority of the Coast Guard to enforce marine sanctuary provisions. Provides rules and regulations for uses, fees and enforcement in sanctuaries.	15 CFR part 904 & 922
16 U.S.C. 1456	Coastal Zone Management. Directs the Secretary of Commerce to consult and cooperate with other interested Federal agencies to the maximum extent practicable in coordinating coastal zone management.	15 CFR 923 33 CFR part 209 49 CFR part 365
16 U.S.C. 1540 & 1543	Regulation of Endangered Species. Authorizes the Coast Guard to enforce the provisions of the statute and any regulations or permits issued pursuant thereto, and to issue enforcement regulations. (<i>See also</i> 16 U.S.C. 4224, authorizing enforcement of African Elephant (ivory) Conservation Moratoria.)	Authorities to numerous to list <i>See</i> , http://www4.law.cornell.edu/cgi-bin/usc-cfr.cgi/16/1540 and Parallel Table for complete list.
16 U.S.C. 1851 -1881 Selected Provisions	Magnuson-Stevens Fishery Conservation & Management Act. Authorizes the Coast Guard to enforce regulations of the fisheries of the United States, generally out to 200 nautical miles from the baseline from which the territorial sea is measured.	15 CFR part 904 & 905 <i>See Also</i> , 50 CFR 600, 605, 697
16 U.S.C. 1826g	High Seas Driftnet Fisheries. Directs the President to utilize appropriate assets of the Coast Guard and other Federal agencies to detect, monitor, and prevent violations of the United Nations moratorium on large-scale driftnet fishing on the high seas for all fisheries under the jurisdiction of the United States and, in the case of fisheries not under the jurisdiction of the United States, to the fullest extent permitted under international law.	
16 U.S.C. 2405-2412	Antarctic Conservation. Authorizes the Secretary of Transportation to issue regulations to implement Annex II to the Protocol on Environmental Protection to the Antarctic Treaty signed October 4, 1991, and authorizes the Coast Guard to enforce Antarctic conservation measures.	15 CFR part 904 45 CFR 670, 671



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16 U.S.C. 2432- 2442 Selected Provision	<u>Antarctic Marine Living Resources Convention.</u> Authorizes the Secretary of Commerce to issue regulations to implement the Convention, after consultations with the Secretary of Transportation, and for the Coast Guard to enforce the Antarctic Marine Living Resources Convention.	15 CFR part 904 50 CFR 11-13
16 U.S.C. 3371 -3378	<u>Illegal Taking of Fish & Wildlife.</u> Authorizes the Coast Guard to enforce provisions prohibiting the import, export, transport, or sale of fish, wildlife, and plants, or their parts, taken illegally. Provides rules and regulations for enforcement.	15 CFR part 904 50 CFR part 10 50 CFR part 14 50 CFR part 300
16 U.S.C. 3604, 3607	<u>North Atlantic Salmon Conservation Convention.</u> Authorizes the Coast Guard to enforce the provisions of the North Atlantic Salmon Conservation Convention; and requires the Secretary of Commerce to promulgate regulations in cooperation with the Secretary of Transportation.	15 CFR part 904
16 U.S.C. 3607 -3645 Selected Provision	<u>Pacific Salmon Treaty.</u> Authorizes the Coast Guard to enforce the provisions of the Pacific Salmon Treaty and requires the Secretary of Commerce to promulgate regulations in cooperation with the Secretary under which the Coast Guard is operating	
16 U.S.C. 4711,-4713	<u>Aquatic Nuisance Species Prevention & Control.</u> Authorizes the Secretary to issue regulations to control the introduction of aquatic nuisance species to the waters of the U.S.; and requires the Coast Guard to implement a ballast water management program for seagoing vessels of the Coast Guard.	
16 U.S.C. 5501-5509	<u>High Seas Fishing Compliance.</u> Authorizes the Coast Guard to enforce, and to promulgate regulations to carry out, the <i>Agreement to Promote Compliance with International Conservation & Management Measures by Fishing Vessels on the High Seas</i> adopted by the Conference of the FAO of the United Nations, November 24, 1992. Provides. Provides, criminal offenses, penalties, authorities and general regulations.	50 CFR part 300



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16 U.S.C. 5601-5509 Selected Provisions	<u>Northwest Atlantic Fisheries Convention.</u> Authorizes the Coast Guard to enforce the provisions of the Northwest Atlantic Fisheries Convention. Provides definitions, penalties, authorities and cooperation requirements.	
16 U.S.C. 1861b link not available at time of publication, see data base.	<u>Fisheries enforcement plans and reporting.</u> Requires the Commandant consult with the Under Secretary of Commerce for Oceans and Atmosphere and with State and local enforcement authorities on Fishery patrols and provide the same with an annual report.	
P.L. 105-160 (♣10)	<u>Reimbursement for Marine Resource Conservation Adjudication.</u> Authorizes all adjudicatory functions of Administrative Law Judges, required with respect to any marine resource conservation law or regulation administered by the Secretary of Commerce acting through the National Oceanic and Atmospheric Administration, to be performed by the United States Coast Guard on a reimbursable basis.	



International Instruments

- ◆ *Agreement Adopting, with Certain Modifications, the Rules and Method of Procedure Recommended in the Award of September 7, 1980 of the North Atlantic Coast Fisheries Arbitration* (1912), 37 Stat. 1634, TS 572, Bevans 357.
- ◆ *Agreement Concerning Fisheries Off the Coasts of the United States* (1976), 28 UST 1682, TIAS 8524. Extension (1983), TIAS 10697. Agreement with **Poland**.
- ◆ *Agreement Concerning Fisheries Off the Coasts of the United States* (1976), 28 UST 1903, TIAS 8529. Agreement with the **Republic of China**.
- ◆ *Agreement Concerning Fisheries Off the Coasts of the United States* (1977), 28 UST 3787, TIAS 8598. Agreement with the **European Economic Community**.
- ◆ *Agreement Concerning Fisheries Off the Coasts of the United States* (1977), 28 UST 6769, TIAS 8689. Agreement with **Cuba**. **No longer in effect**.
- ◆ *Agreement Concerning Fisheries Off the Coast of the United States* (1977), TIAS 8825. Agreement with **Romania**.
- ◆ *Agreement Concerning Fisheries Off the Coasts of the United States* (1977), TIAS 8853. Agreement with **Mexico**.
- ◆ *Agreement Concerning Fisheries Off the Coasts of the United States* (1979), 31 UST 4859, TIAS 9649. Agreement with **Denmark and Faroe Islands**.
- ◆ *Agreement Concerning Fisheries Off the Coasts of the United States* (1979), 31 UST 5893, TIAS 9692. Agreement with **Bulgaria**.
- ◆ *Agreement Concerning Fisheries Off the Coasts of the United States* (1980), TIAS 9929. Agreement with **Portugal**.



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- ◆ *Agreement Concerning Fisheries Off the Coast of the United States* (1981), TIAS 10077. Agreement with **Norway**.
- ◆ *Agreement Concerning Fisheries Off the Coasts of the United States* (1982), TIAS 10480. Agreement with **Japan**.
- ◆ *Agreement Concerning Fisheries Off the Coasts of the United States* (1983), TIAS 10571. Agreement with **Korea**.
- ◆ *Agreement Concerning Fisheries Off the Coasts of the United States* (1983), TIAS 10581. Agreement with **Spain**. **No longer in effect.**
- ◆ *Agreement Concerning Fisheries Off the Coasts of the United States* (1983), TIAS 10687. Agreement with the **German Democratic Republic**.
- ◆ *Agreement Concerning Fisheries Off the Coasts of the United States* (1976), 28 UST 1847, TIAS 8528. Extension and Amendment (1982), TIAS 10531; (1983), TIAS 10696. Agreement with **The Union of Soviet Socialist Republics**.
- ◆ *Agreement on the Conservation of Polar Bears* (1973), TIAS 8409.
- ◆ *Agreement Relating to the Consideration of Claims Resulting from Damage to Fishing Vessels or Gear and Measures to Prevent Fishing Conflicts* (1973) 24 UST 669, TIAS 757. Amendment (1975) 26 UST 167, TIAS 8022. Protocol (173), 24 UST 1588, TIAS 7663.
- ◆ *Amended Agreement for the Establishment of the Indo-Pacific Fisheries Council* (1961), 13 UST 2511, TIAS 5218, 418 UNTS 348.
- ◆ *Agreement Regarding Squid and Large-Mesh Driftnet Fisheries* (1990), TIAS 11726. Agreement with **Japan**.
- ◆ *Agreement Relating to Fishing in the Economic Zones of the French Overseas Territories of New Caledonia and Wallis and Futuna Islands* (1991), TIAS 11781. Agreement with **France**.
- ◆ *Agreement Concerning Fishing by U.S. Vessels in Waters Surrounding Christmas Island and Cocos/Keeling Island*, (1987), DOS: 87-129. Agreement with **Australia**.
- ◆ *Agreement Concerning Fisheries off the Coasts of the U.S.* (1989). Agreement with **Iceland**.
- ◆ *Agreement Concerning Fisheries Enforcement* (1990), TIAS 11753. Agreement with **Canada**.
- ◆ *Agreement Concerning Fisheries off the Coasts of the U.S.* (1992), CTIA: 93-1 CTIA 43 DOS:93-4. Agreement with **Estonia**.
- ◆ *Agreement Concerning Pacific Salmon Fishing with the Respective 200-Nautical Zones of the U.S. and Russia* (1992), TIAS 11449. Agreement with **Russia**.
- ◆ *Agreement Concerning Fisheries off the Coasts of the U.S.* (1993), DOS 93-141. Agreement with **Lithuania**.
- ◆ *Agreement Concerning Fisheries off the Coasts of the U.S.* (1993), Agreement with **Latvia**.
- ◆ *Agreement Effected by Exchange of Notes* (1983), TIAS 10842. Agreement with **Columbia**.
- ◆ *Reciprocal Fisheries Agreement*, TIAS 10545 UST. Agreement with **United Kingdom of Great Britain and Northern Ireland**.
- ◆ *Convention for Conservation of Shrimp*, TIAS 4312.
- ◆ *Convention for the Conservation of Antarctic Seals* (1978), 29 UST 441, TIAS 8826.
- ◆ *Convention for the Conservation of Salmon in the North Atlantic* (1982), TIAS 10789.
- ◆ *Convention for the Establishment of an Inter-American Tropical Tuna Commission* (1949), 1 UST 230 TIAS 2044, 80 UNTS 3.
- ◆ *Convention for the Extension to Halibut Fishing Vessels of Port Privileges on the Pacific Coast of the United States of America and Canada* (1950), 1 UST 536, TIAS 2096, 200 UNTS 211.
- ◆ *Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea* (1953), 5 UST 5, TIAS 2900, 222 UNTS 77. Amendment (1979), TIAS 9855.
- ◆ *Convention for the Protection, Preservation, and Extension of the Salmon Fisheries in the Fraser River System* (1930), 50 Stat. 1355, TS 918, 6 Bevans 41, 184 LNTS 305. Amendments (1956) 8 UST 1057, TIAS 3867, 290 UNTA, 103; (1977), 32 UST 2475, TIAS 9854.
- ◆ *Convention on Fishing and Conservation of Living Resources of the High Seas* (1958), 17 UST 138, TIAS 5969, 559 UNTS 285.



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- ◆ *Convention on Great Lakes Fisheries* (1954), 6 UST 2836, TIAS 3326, 238 UNTS 97. Amendment (1966 and 1967), 18 UST 1402, TIAS 6297.
- ◆ *Convention on the Conservation of Antarctic Marine Living Resources* (1980), TIAS 10240.
- ◆ *Interim Convention on the Conservation of North Pacific Fur Seals* (1957), 8 UST 2283, TIAS 3948, 314 UNTS 105. Amendment and Extension (1963), 15 UST 316, TIAS 5558, 494 UNTS 303; (1976), 27 UST 3371, TIAS 8368; (1980), TIAS 10020.
- ◆ *International Convention for the Regulation of Whaling* (1946), 62 Stat. 1716, TIAS 1849, 4 Bevans 248, 161 UNTS 72. Protocol (1956), 10 UTS (52, TIAS 4228, 338 UNTS 366. Amendments (1949), 1 UST 506, TIAS 2092, 161 UNTS 100; (1950), 2 UST 11, TIAS 2173, 161 UNTS 108; (1951), UST 2999, TIAS 2486, 177 UNTS 396; (1952), 3 UST 5094, TIAS 2699, 181 UNTS 364; (1953), 4 UST 2179, TIAS 2866, 252 UNTS 316; (1954), 6 UST 645, TIAS 3198, 252 UNTS 324; (1955), 7 UST 657, TIAS 3548, 252 UNTS 252 UNTS 330; (1956), 8 UST 69, TIAS 3739, 278 UNTS 278; (1957), 8 UST 2203, TIAS 3944, 300 UNTS 376; (1958), 10 UST 330, TIAS 4193, 337 UNTS 408; (1959), 11 UST 32, TIAS 4404, 361 UNTS 272; (1960), 13 UST 493, TIAS 5014, 435 UNTS 324; (1961), 13 UST 497, TIAS 5015, 435 UNTS 328; (1962), 14 UST 112, TIAS 5277, 495 UNTS 254; (1963), 14 UST 1690, TIAS 5472, 495 UNTS 256; (1964) 15 UST 2547, TIAS 5745, 586 UNTS 248; (1965), 17 UST 35, TIAS 5953, 586 UNTS 252; (1966), 17 UST 1640, TIAS 6120, 675 UNTS 384; (1967), 18 UST 2391, TIAS 6345, 723 UNTS 280; (1968), 19 UST 6030, TIAS 6562, 723 UNTS 282; (1969), 20 UST 4063, TIAS 6794; (1970), 21 UST 2460, TIAS 6985, 772 UNTS 442; (1971), 23 UST 179, TIAS 7293; (1972), 23 UST 2820, TIAS 7471; (1973), 25 TIAS 7293; (1972), 23 UST 2820, TIAS 7471; (1973), 25 TIAS 7293; (1972), 23 UST 2820, TIAS 7471; (1973), 25 UST 2591, TIAS 7936; (1974), 25 UST 2978, TIAS 7960; (1975), 27 UST 1885, TIAS 8386; (1976), 27 UST 4015, TIAS 8422; (1977), 29 UST 1452, TIAS 8886; (1977), 29 UST 2874, TIAS 8983; (1978), 30 UST 1639, TIAS 9271; (1978), 30 UST 2852, TIAS 9366; (1979), 31 UST 4815, TIAS (642); (1980), TIAS 9946; (1981); (1982); (1983).
- ◆ *Northeast Atlantic Fisheries Convention*, 486 UNTS 157.
- ◆ *Plan of Operation of United Nations Special Fund Project on Caribbean Fishery Development* (1966), 19 UST 4498, TIAS 6501.
- ◆ *International Convention for the Conservation of Atlantic Tuna* (1966), 20 UST 2887, TIAS 6767, 673 UNTS 63.
- ◆ *International Convention for the High Seas Fisheries of the North Pacific Ocean* (1952), 4 UST 380, TIAS 2786, 205 UNTS 65. Amendment and Extension (1962), 14 UST 953, TIAS 5385; (1978), 30 UST 1095, TIAS 9242.
- ◆ *Treaty on Pacific Coast Albacore Tuna Vessels and Port Privileges* (1981), TIAS 10057.

Note: The United States has numerous fisheries agreements. There are over 300 current U.S. treaties that deal with living marine resources. This list is not intended to be comprehensive. In addition to electronic research references, consultation with the appropriate Coast Guard lawyer in the Office of Maritime and International Law (G-LMI) or the Office of Law Enforcement (G-OPL) is recommended.



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Chapter 19. Defense Operations

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
10 U.S.C. 101 & 14 U.S.C. 1	<u>Coast Guard is an Armed Force.</u> Defines “armed forces” to include the Coast Guard.	32 CFR Part 158
10 U.S.C. 6011	<u>Naval Defensive Sea Areas.</u> Authorizes Coast Guard cutters and aircraft to enter Naval Defensive Sea Areas.	32 CFR part 700 32 CFR part 728 32 CFR part 736 32 CFR part 744 32 CFR part 761 32 CFR part 763 32 CFR part 765 32 CFR part 770
14 U.S.C. 2	<u>Readiness for War.</u> Specifies the primary duties of the Coast Guard, one of which is to maintain a state of readiness to function as a specialized service in the Navy in time of war.	33 CFR part 1 33 CFR part 26 33 CFR part 80
14 U.S.C. 3-4	<u>Relationship with the Navy.</u> Defines the Coast Guard’s relationship to the Navy and directs its operation as a service in the Navy upon declaration of war or when the President otherwise so directs.	
14 U.S.C. 144-145	<u>Coordination with Other Services.</u> Authorizes coordination with the Departments of the Army, Air Force, and Navy on specified matters.	
14 U.S.C. 359 & 360	<u>Emergency Recall of Enlisted Personnel.</u> Authorizes recall of enlisted men on retired list to active duty in time of war or national emergency with and without consent.	
50 U.S.C. 191a	<u>Transfer of Secretarial Powers in Wartime.</u> Authorizes transfer of the Secretary of Transportation’s powers to the Navy Secretary when Coast Guard operates as part of Navy, (see savings provision, U.S.C. §§551, 552, 552a)	
Memorandum of Agreement between the Department of Defense and the Department of Transportation on the U.S. Coast Guard Capabilities and Resources in Support of the National Military Strategy, 3 October 1995.	<u>Deployed Port Security Operations Capabilities.</u> Identifies Deployed Port Operations, Security & Defense (DPOSD) as a Coast Guard capability that DOD planners may rely on as being available during military operations & other contingencies.	



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<u>Standing Rules of Engagement for U.S. Forces</u> dated October 1, 1994, as amended. Revision expected approximately April 1, 1999.	<u>Standing Rules of Engagement.</u> Establishes guidance on international Law of War basis for use by armed forces in military engagement. [Note: This is separate from the Coast Guard Use of Force Policy for Law Enforcement]	
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International Instruments

- ◆ *Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces* (1951), 4 UST 1792, TIAS 2846, 199 UNTS 67. Agreement to Supplement the Agreement of June 19, 1951 between the Parties to the North Atlantic Treaty Regarding the Status of their Forces with Respect to Foreign Forces Stationed in the Federal Republic of Germany (1959), 14 UST 531, TIAS 5351, 481 UNTS 262. Amendments (1971), 14 UST 2355, TIAS 7759; (1981), TIAS 10367.
- ◆ *Agreement Under Article VI of the Treaty of Mutual Cooperation and Security Regarding Facilities and Areas and the Status of United States Armed Forces in Japan* (1960), 11 UST 1652, TIAS 4510, 373 UNTS 248. Understanding (1960), 11 UST 2160 TIAS 4580, 394 UNTS 3106.
- ◆ *Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, with Annexes and Protocol* (1977), TIAS 10029.



PART V MARINE SAFETY, SECURITY, & ENVIRONMENTAL PROTECTION

Chapter 20. Marine Technical & Hazardous Materials

Section 20.01 Dangerous Cargo Regulation

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
33 U.S.C. 1221, 1236 Selected Provisions	<u>Regulation of Dangerous Cargo Handling.</u> Authorizes the Coast Guard to regulate the handling of dangerous cargo at waterfront facilities.	33 CFR 3, 110, 126, 161, 162, 164, 165 See also, Parallel Table of Authorities, for complete list
46 U.S.C. 3306 See Generally, 46 U.S.C. 3301-3318 .	<u>Regulation of Dangerous Stores on Inspected Vessels.</u> Authorizes the Coast Guard to regulate the use of stores or other supplies of a dangerous nature on inspected vessels.	46 CFR Part 147 See http://www4.law.cornell.edu/cgi-bin/usc-cfr.cgi/46/3306 and Parallel Table of Authorities for complete list
46 U.S.C. 3703-3703a See Generally, 46 U.S.C. 3701-3719	<u>Regulation of Liquid Bulk Cargo.</u> Authorizes the Coast Guard to regulate the carriage of certain specified liquid bulk cargoes by vessels. Provides for regulation of tank vessels for protection of the marine environment and specifies tank vessel construction standards.	33 CFR Part 95 46 Parts 2, 3, 8, 15, 16, 24--26, 27, 30-32, 36, 38, 39, 46, 50, 52--54, 56-64, 70-72, 76-78, 80, 90-93, 96 -98, 105, 107-122, 125-134, 146, 147, 150, 159 -164, 166-179, 180 -185, 188-190, 193 -197, 199
46 U.S.C. 3715	<u>Lightering.</u> Regulates lightering of hazardous materials.	33 CFR Part 156 46 CFR Part 39
46 U.S.C. 3718(e)	<u>Vessel Clearance & Dangerous Liquid Bulk Cargo.</u> Authorizes the Secretary of the Treasury, at the request of the Secretary under which the Coast Guard is operating, to refuse or revoke a vessel's clearance, when that vessel is liable, or reasonable cause exists to believe that the vessel is liable to the United States for violations of regulations governing the carriage of liquid bulk dangerous cargo.	33 CFR Part 160



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49 U.S.C. 5101 -5127	<u>Regulation of Hazardous Materials.</u> Generally, authorizes the regulation of the transportation of all hazardous materials in commerce.	14 CFR Part 13; 46 CFR Part 91, 146, 150, 153; 49 CFR 106, 107, 171-179, 190, 192, 195, 209, 301, 386, 391 See also, Parallel Table of Authorities, for complete list
49 U.S.C. 5121(c) See Generally, 49 U.S.C. 5101-5127	<u>Authority to Inspect Records & Property Related to the Transport of Hazardous Materials.</u> Allows the Secretary to authorize persons to enter and inspect records and properties relating to the transportation of hazardous materials.	14 CFR Part 13; 46 CFR 146; 49 CFR 106, 107, 171-179, 191, 192, 209
49 U.S.C. 5122 See Generally, 49 U.S.C. 5101-5127	<u>Vessel Clearance & Hazardous Materials.</u> Authorizes the Secretary of the Treasury to, at the request of the Secretary of Transportation to refuse or revoke a vessel's clearance, when that vessel is liable, or reasonable cause exists to believe that the vessel is liable to the United States for certain civil or criminal penalties related to hazardous materials transportation.	33 CFR Part 160



International Instruments

- ◆ *International Convention for Safe Containers* (1972), 29 UST 3707, TIAS 9037.



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Section 20.02 Fire Protection

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
14 U.S.C. 88	<u>Protection of Life & Property.</u> Authorizes aid to persons and the protection and saving of property at any time and at any place at which Coast Guard facilities and personnel are available.	
33 U.S.C. 1225 See Generally, 33 U.S.C. 1221-1236	<u>Safety Zones.</u> Authorizes such action as is necessary to prevent damage to or destruction of any structure on, in, or immediately adjacent to the navigable waters.	33 CFR part 110 33 CFR part 126 33 CFR part 165
42 U.S.C. 1856-1856d	<u>Reciprocal Agreements for Fire Protection.</u> Authorizes reciprocal agreements for mutual aid in furnishing fire protection, emergency assistance within the vicinity of fire-protection facilities, and the use of funds for such purposes.	36 CFR Part 211 ; 43 CFR part 28



International Instruments

- ♦ *International Convention for Safe Containers* (1972), 29 UST 3707, TIAS 9037.



Chapter 21. Marine Investigation

Section 21.01 - Marine Casualty Investigation

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
33 U.S.C. 1227	<u>Investigatory Powers.</u> Authorizes the Secretary to investigate any incident, accident, or act involving damage to a waterfront facility.	33 CFR part 110
43 U.S.C. 1348 See Also, 43 U.S.C. 1333 , 1347 , 1349 , 1350 .	<u>Casualties on the Outer Continental Shelf.</u> Provides for investigation of casualties resulting from operations conducted on the Outer Continental Shelf.	18 CFR part 284 33 CFR part 143 46 CFR part 142 33 CFR part 140 33 CFR part 143 46 CFR part 26 46 CFR part 185 See Also, 33 CFR 142 , 146 46 CFR 4 , 35 , 78 , 97 , 109 , 96
46 U.S.C. 2306	<u>Communication Reports/Lost Vessels Reporting.</u> Requires report to Coast Guard if a vessel may be lost or imperiled, or a required communication has not been received for more than 48 hours.	46 CFR part 4
46 U.S.C. 3315	<u>Required Disclosure.</u> Requires disclosure of marine casualties by licensed individuals.	33 CFR Part 156 46 CFR Part 39
46 U.S.C. 3717	<u>Marine Safety Information System.</u> Requires a Marine Safety Information System (MSIS) & authorizes collection of histories of tank vessel casualties.	
46 U.S.C. 6101	<u>Marine Casualty Reporting Requirements.</u> Provides for the reporting of marine casualties and incidents involving United States flag vessels occurring anywhere in the world, and foreign flag vessels operating on the navigable waters of the United States.	33 CFR 70 , 173 ; 46 CFR 1 , 2 , 4 , 5 , 10 , 12 , 26 , 35 , 78 , 97 , 109 , 122 , 167 , 185 , 196 , 197 , See, http://www4.law.cornell.edu/cgi-bin/usc-cfr.cgi/46/6101 for complete list.
46 U.S.C. 6102	<u>State Reporting Systems.</u> Requires the Secretary to prescribe regulations for a uniform State marine casualty reporting system.	33 CFR 70 , 174 46 CFR part 4



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46 U.S.C. 6103	<u>Failure to Report.</u> Provides for a civil penalty for any owner, charterer, managing operator, agent, master, or individual in charge of a vessel that fails to report a casualty or other incident required to be reported under 46 U.S.C. 6101 or 6102.	46 CFR part 4
46 U.S.C. 6104	<u>Fishing Industry Vessel Statistics.</u> Requires the Secretary to compile statistics concerning commercial fishing industry vessel casualties.	46 CFR part 28
46 U.S.C. 6301	<u>Scope of Investigations.</u> Sets forth the scope of the investigation of marine casualties and incidents.	46 CFR part 4 See also, 33 CFR Part 173 174 46 CFR Part 26, 35, 109
46 U.S.C. 6302	<u>Investigations Open to the Public.</u> Provides that investigations are to be open to the public, unless evidence affecting the national security of the United States is to be received.	46 CFR part 4 & 35 .
46 U.S.C. 6303	<u>Rights of Parties.</u> Provides for the rights of parties of interest to an investigation by allowing them to be represented by counsel, to cross-examine witnesses, and to call witnesses.	46 CFR part 4
46 U.S.C. 6304	<u>Subpoena Authority.</u> Provides an official investigating a marine casualty with the necessary subpoena authority to require the attendance and testimony of witnesses and the production of evidence. It also authorizes a district court of the United States to direct compliance with a subpoena.	46 CFR part 4
46 U.S.C. 6306	<u>Witness Tampering or Coercion.</u> Provides a criminal penalty for anyone attempting to coerce or to induce a witness to a marine casualty investigation to testify falsely or to leave the jurisdiction of the United States.	46 CFR part 4
46 U.S.C. 6308	<u>Information Barred.</u> Restricts admissibility of evidence of marine casualty investigations.	46 CFR part 4
46 U.S.C. 11301	<u>Logbook.</u> Requires a logbook entry on certain vessels when a marine casualty occurs.	46 CFR part 4 - 15, 78
P.L. 105-383 (♣ 302) 46 U.S.C. 2302	<u>Penalties for Interfering with Safe Operation of a Vessel.</u> Prohibits a person from interfering with the safe operation of a vessel so as to endanger life, limb, or property (misdemeanor).	33 CFR part 95 46 CFR 10, 187



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P.L. 105-383 (♣ 304)46 U.S.C. 2303a	<u>Alcohol Testing.</u> Requires Secretary to establish procedures to ensure alcohol testing of crew members or other persons responsible for operation or other safety-sensitive functions of the vessel(s) involved, within 2 hours of a serious marine casualty (or later, if safety concerns require otherwise). Testing may not be required more than 8 hours after the casualty occurs.	33 CFR Part 95; 46 CFR part 4 16; 49 CFR Part 40
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Section 21.02 Suspension & Revocation

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
46 U.S.C. 7701	<u>Purpose of Proceeding.</u> Establishes the purpose of suspension and revocation proceedings which is to promote safety at sea, and provides regulatory authority.	33 CFR part 404 46 CFR part 5 46 CFR part 10 46 CFR part 12 46 CFR part 16 See Also, 33 CFR 20 ; 46 CFR Part 1
46 U.S.C. 7702	<u>Applicability of the Administrative Procedure Act.</u> Provides that the Administrative Procedure Act (5 U.S.C. §§551-559) applies to suspension and revocation proceedings, and authorizes temporary suspension under certain circumstances.	See Also, 46 CFR Part 5 , 33 CFR 20 ;
46 U.S.C. 7703	<u>Authority to Suspend & Revoke.</u> Provides basis for suspension or revocation of a license, certificate, or document.	46 CFR Part 5
46 U.S.C. 7704	<u>Revocation for Violation of Narcotics Laws.</u> Requires the revocation of the license, certificate, or document of an individual if it is shown at a hearing that the individual has been convicted of a violation of a dangerous drug law within 10 years of the beginning of the suspension or revocation proceedings or has been the user of or been addicted to a dangerous drug unless the individual provides proof of cure.	46 CFR Part 5
46 U.S.C. 7705	<u>Presiding Officers & Subpoena Authority.</u> Allows officials designated to investigate matters that are grounds for suspension or revocation, or who preside at suspension and revocation hearings, to administer oaths and issue subpoenas. Establishes jurisdictional limits and enforcement authority for subpoenas.	46 CFR Part 5



Chapter 22. Merchant Vessel Inspection & Documentation

Section 22.01 General Vessel Safety

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
46 U.S.C. 2103	<u>Supervision of Merchant Marine.</u> Provides the Secretary with the authority to superintend the merchant marine and involved personnel, and to enforce the laws with respect to vessels and seamen.	See http://www4.law.cornell.edu/cgi-bin/usc-cfr.cgi/46/2103 for complete listing
46 U.S.C. 2104	<u>Delegation of Merchant Marine Related Duties.</u> Provides the Secretary with authority to delegate duties to personnel of the Coast Guard, and in certain circumstances, to personnel of the Customs Service.	19 CFR Part 24 ; 33 CFR Part 1, 3 ; 49 CFR Part 1 46 CFR Parts 401-404
46 U.S.C. 2107-2108	<u>Civil Penalties.</u> Provides procedures for the imposition and refund of civil penalties for violation of maritime safety laws or regulations.	19 CFR Part 4, 171 ; 33 CFR Parts 1, 20 ; 46 CFR part 4, 10, 67
46 U.S.C. 2305	<u>Injunctive Relief.</u> Provides authority for district courts of the United States to enjoin negligent operation of vessels.	
46 U.S.C. 3201-3205 See Also, P.L. 105-383 (♣306) BL	<u>International Safety Management (ISM) Code.</u> Authorizes the Secretary to implement the International Safety Management (ISM) Code by prescribing regulations and penalties regarding shipboard & shore-based management of vessels and personnel engaged in foreign commerce. This authority extends to the adoption and use of the ISM code by the owners of and operators of U.S. flag vessels	33 CFR Part 96 46 CFR Parts 2, 31, 71, 91, 115, 126, 107, 175 176
46 U.S.C. 3713(a)(2)	<u>Refusal to Permit Inspection or Boarding.</u> Prohibits refusal to permit an official authorized by the Secretary to board a vessel or enter a shore area to make an inspection under 46 U.S.C. Chapter 37.	46 CFR Part 26
46 App. U.S.C. note preceding 1 (Act of December 27, 1950, 64 Stat. 1120)	<u>Waiver of Laws in the Interest of National Defense.</u> Authorizes the Secretary to waive compliance with navigation and vessel inspection laws at the request of the Secretary of Defense in the interest of national defense.	33 CFR Part 19



Section 22.02 Vessel Inspection

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
31 U.S.C. 9701	Fees for Equipment Approvals. Authorizes fees and charges for government services, e.g. equipment approvals.	46 CFR 2 See, http://www4.law.cornell.edu/cgi-bin/usc-cfr.cgi/31/9701 For complete list.
46 U.S.C. 2110	User Fees. Requires the establishment and collection of fees for specified services (direct and indirect "user fees".) <i>But see</i> P.L. 105-383 (♣207) Fees for Navigation Assistance Service. Prohibits planning, implementation, or finalization of any regulation that would promulgate any new maritime user fee not implemented and collected before 1 Jan 98, including a fee or charge for domestic icebreaking or any other navigational assistance service. Prohibition sunsets on 30 September 2001. (See also 31 U.S.C. 9707 and 14 U.S.C. 664.)	19 CFR part 24 33 CFR part 1 46 CFR part 10 46 CFR part 12 46 CFR part 67
46 U.S.C. 3301-3302 See Also, 46 U.S.C. 3303 .	Categories of Vessels Subject to Inspection & Exemptions. Sets forth the categories of vessels subject to inspection and vessels exempt from inspection.	46 CFR Part 30-38, 70-80, 90-99, 105, 107-109, 114-122, 125-134, 151, 153-154, 166-169, 175-185
46 U.S.C. 3303	Comity with Foreign Inspection Laws. Provides for reciprocity for foreign vessels, other than tank vessels, and acknowledges the concept of comity with respect to inspection laws of foreign nations that are similar to those of the U.S.	46 CFR 24, 30, 70, 90, 114, 169, 175, 188
46 U.S.C. 3304	Carrying Individuals in Addition to Crew. Permits the carriage of not more than 12 individuals in addition to the crew on international voyages, or on any fishing vessel; or not more than 16 individuals in addition to the crew on other voyages aboard documented vessels carrying cargo without subjecting the vessel to the inspection requirements for passenger vessels.	46 CFR 2.01-40



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46 U.S.C. 3305	<u>Scope of Inspection Authority.</u> Establishes the scope of Coast Guard vessel inspection authority and duties.	46 CFR part 2 46 CFR part 115 46 CFR part 126 46 CFR part 168 46 CFR part 176
46 U.S.C. 3306	<u>Regulations for Vessel Inspection & Certification.</u> Authorizes the Secretary to prescribe regulations for the inspection and certification of vessels.	See, http://www4.law.cornell.edu/cgi-bin/usc-cfr.cgi/46/3306 For complete listing
46 U.S.C. 3308	<u>Examinations and Additional Inspections.</u> Requires that each vessel subject to inspection undergo an initial inspection before being placed in service and periodic re-inspection to ensure continued compliance with regulations.. Permits additional examinations to ensure compliance with inspection laws and regulations, and requires that a vessel maintain seamen's accommodations.	46 CFR part 125 See Also, 46 CFR 2, 31, 71, 91, 107, 115, 126, 131, 167, 169, 176, 189.
46 U.S.C. 3309-3312	<u>Certificates of Inspection.</u> Requires the issuance of certificates of inspection to vessels in compliance with the requirements of law and regulation, prohibits operation of a vessel subject to inspection without a certificate, and provides for the display of the certificate.	46 CFR 2, 71, 91, 107, 115, 126, 167, 169, 176, 189
46 U.S.C. 3313	<u>Compliance with Certificate of Inspection Deficiencies & Revocation of Certificate.</u> Requires compliance with the conditions of the certificate of inspection, provides procedures for the correction of deficiencies, and provides basis for revocation of a certificate.	33 CFR Part 19; 46 CFR 2.01-20, 71, 91, 97, 115, 126, 167, 169, 176, 189
46 U.S.C. 3314	<u>Expiration on Foreign Voyage.</u> Contains procedures for use when a vessel's certificate of inspection expires while the vessel is on a foreign voyage.	46 CFR 2, 71, 91, 115, 176, 189
46 U.S.C. 3315	<u>Licensed Personnel Required to Assist Inspectors.</u> Requires licensed individuals to assist inspection authorities and prohibits inspectors from disclosing that source of information.	33 CFR Part 1; 46 CFR Part 5



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46 U.S.C. 3316	<u>Delegation to Classification Societies.</u> Authorizes the Secretary to delegate the inspection and examination of vessels to the American Bureau of Shipping (ABS) and foreign classification societies; and permits the Coast Guard to rely on the reports, documents, and certificates issued to vessels by the ABS or foreign classification societies.	33 CFR part 96 46 CFR part 8 46 CFR part 28 46 CFR part 31 See Also, 46 CFR Part 107
46 U.S.C. 3317	<u>Fees for Small Craft Inspection.</u> Authorizes the Secretary to prescribe fees for inspection of small passenger vessels and sailing school vessels and requires vessel owners to reimburse the Secretary for costs associated with foreign travel.	46 CFR part 2
46 U.S.C. 3318	<u>Penalties.</u> Provides penalties for violation of inspection laws and regulations.	46 CFR part 2 See Also 33 CFR 1, 20, 27 ; 46 CFR 2, 5, 80, 122, 185
46 U.S.C. 3501-3506 See data base for 33 U.S.C. 3505 current link not available at time of publication	<u>Inspection of Passenger Vessels.</u> Additional requirements for vessels that carry passengers, including specifying the number of passengers the vessels are permitted to carry.	46 CFR part 2 See Also, 19 CFR Part 4 ; 46 CFR, 70, 71, 72, 114-116, 175, 176
46 U.S.C. 5113 , See Generally, 46 U.S.C. 5101-5116	<u>Load Line.</u> Authorizes orders to detain vessels about to leave U.S. ports when in violation of load line requirements of 46 U.S.C. §§5101-5116 or the regulations promulgated there under.	19 CFR Part 4 46 CFR 42.07-50



International Instruments

- ◆ *International Convention on Load Lines*, 1966 (1966) 18 UST 1857, TIAS 6331, 640 UNTS 133.
- ◆ Rectifications (1969), 20 UST 17, TIAS 6629; (1969), 20 UST 2577, TIAS 6720.
- ◆ *U.S./Canada Hull Identification Number Agreement*, unpublished.



Section 22.03 Tank Vessel Inspection

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
46 U.S.C. 3701- 3702	<u>Inspection of Vessels Carrying Oil or Hazardous Materials.</u> Provides definitions and sets out the categories of vessels carrying oil or other hazardous materials that are subject to the tank vessel inspection requirements of 46 U.S.C. 3701-3718	33 CFR 151, 155-157; 46 CFR 2, 30-32
46 U.S.C. 3703	<u>Regulation of Tank Vessels.</u> Provides authority to prescribe regulations concerning tank vessels. . <i>Note:</i> CFR cites apply to §§3701-3718.	See, http://www4.law.cornell.edu/cgi-bin/usc-cfr.cgi/46/3703 For complete listing
46 U.S.C. 3703a	<u>Double Hull Vessels.</u> Requires double hulls in tank vessels, to be phased in gradually.	33 CFR part 157 See Also, 46 CFR 30, 31
46 U.S.C. 3704	<u>Systems for Tank Vessels in Coastwise Trade.</u> Requires a vessel be qualified to engage in coastwise trade See 46 App. U.S.C. 883; have specific systems (segregated ballast system, for example), or lose coastwise trade privileges.	33 CFR Part 151, 155-157;
46 U.S.C. 3705-3708	<u>Minimum Standards for Tank Vessels.</u> Establish minimum standards for various classes of tank vessels, including standards for construction, equipment, segregated ballast, and inert gas systems.	33 CFR Part 151, 155-157; 46 CFR Part 30-32
46 U.S.C. 3709	<u>Exemptions.</u> Provides authority to exempt vessels from certain minimum tanker requirements.	33 CFR Part 151,
46 U.S.C. 3710-3711	<u>Evidence of Compliance.</u> Requires tank vessels, including foreign vessels, to provide evidence of compliance with applicable laws and regulations.	33 CFR Part 151,
46 U.S.C. 3713	<u>Prohibited Acts.</u> Sets out certain prohibited acts such as refusal to permit inspection or operate a vessel not in compliance with tank vessel inspection requirements.	33 CFR Part 151,
46 U.S.C. 3714	<u>Inspection Program.</u> Requires the establishment of a program for the inspection of tank vessels.	33 CFR Part 151,
46 U.S.C. 3718	<u>Penalties for Violations.</u> Establishes penalties for violations of applicable laws and regulations involving tank vessels and their operations.	33 CFR Part 151,



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**Section 22.04 Safety Standards on Uninspected U.S. Flag Vessels
(Commercial Fishing Industry Vessels)**

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
46 U.S.C. 4101-4106 Selected Provisions	<u>Carriage & Construction Requirements For Uninspected Vessels.</u> Requires uninspected vessels to comply with certain minimum safety equipment and limited construction requirements. Requirements apply to uninspected vessels operating on the navigable waters of the U.S., and U.S. owned uninspected vessels operating on the high seas or beyond 3 miles from the Great Lakes Coastline.	33 CFR 175, 177, 179, 181, 183; 46 CFR 24-26, 27 162
46 U.S.C. 4501-4507	<u>Uninspected Fishing Industry Vessels.</u> Provides for regulation of certain uninspected fishing vessels, fish processing vessels, and fish tender vessels.	46 CFR Part 28, 105
46 U.S.C. 4508	<u>Advisory Committee.</u> Establishes the Commercial Fishing Industry Vessel Advisory Committee.	



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Section 22.05 Safety Standards on Foreign Flag Vessels

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
46 U.S.C. 2301	<u>Applicability of General Rules.</u> Provides that 46 U.S.C. §§2301-2306 relating to general operation of vessels applies to foreign flag vessels operating on waters subject to the jurisdiction of the United States.	46 CFR part 69
46 U.S.C. 3303	<u>Reciprocity of Foreign Vessels.</u> Requires foreign vessels to meet minimal inspection standards.	
46 U.S.C. 3711	<u>Certificate of Compliance.</u> Authorizes the Secretary to issue a certificate of compliance to foreign vessels.	46 CFR Part 2
E.O. 11239	<u>Applicability of Safety of Life at Sea (1960) (SOLAS 60).</u> Applies only as to those nations that are party to SOLAS 60 and not to SOLAS 74 and 78. Under a provision of the SOLAS Protocol, we are to ensure that less favorable treatment is not accorded to nonparty nations.	
E.O. 12234	<u>Safety of Life at Sea (SOLAS) Implementation.</u> Directs the Secretary of the Department in which the Coast Guard is operating to implement SOLAS 74.	46 CFR 46, 70, 78, 90, 110



International Instruments

- ◆ *International Convention for the Safety of Life at Sea, 1960* (1960), 16 UST 185, TIAS 5780, 536 UNTS 27. Rectification (1966), 18 UST 1289, TIAS 6284.
- ◆ *International Convention for the Safety of Life at Sea, 1974* (1974), TIAS 9700 (SOLAS 74). Rectification (1982), TIAS 10626. Protocol (1978), TIAS 10009. Establishes international safety standards respecting ship design, fire protection and safety and navigational appliances.
- ◆ *Memorandum of Understanding Concerning Cooperation in Marine Transportation Technology and Systems Research and Development* (1981), TIAS 10172. Agreement with **Canada**.
- ◆ *Memorandum of Understanding Concerning Cooperation in the Field of Transportation* (1981), TIAS 10222. Agreement with **Finland**. Provides for the exchange of design data and research results, particularly concerning ice-capable vessels.



Section 22.06 Tonnage Measurement

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
46 U.S.C. 14101-14702 Selected Provisions	<u>Authority & Methods for Admeasurements.</u> Sets forth the basic authority for the Coast Guard to measure various classes of vessels and set down specifics as to the method employed in measurement.	46 CFR Part 69 33 CFR Part 138 19 CFR Part 4



International Instruments

- ◆ *International Convention on Load Lines, 1966* (1966) 18 UST 1857, TIAS 6331, 640 UNTS 133. Rectifications (1969), 20 UST 17, TIAS 6629; (1969), 20 UST 2577, TIAS 6720.
- ◆ *International Convention on Tonnage Measurement of Ships, 1969* (1969), TIAS 10490. Provides standardization for the establishment of vessels tonnage needed for payment of canal use fees, etc.



Section 22.07 Vessel Documentation

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
18 U.S.C. 507	<u>Forging Ship's Papers.</u> Imposes criminal sanctions for falsifying or altering ship's papers	33 CFR 1 ; 46 CFR 4, 5
18 U.S.C. 2197	<u>Forging Certificates, Licenses, & Documents.</u> Imposes criminal sanctions for forging, altering, or unlawfully using a certificate, license or document.	33 CFR 1 ; 46 CFR 4, 5
19 U.S.C. 1704	<u>Revocation for Smuggling.</u> Authorizes the Coast Guard to refuse to document or to revoke the document of vessel engaged in smuggling.	19 CFR part 162 & 46 CFR Part 67
46 U.S.C. 12101-12123 Selected Provisions	<u>Authority to Administer Vessel Documentation Program.</u> Authorizes the Coast Guard to issue vessel documents and to administer vessel documentation for each category of vessel. Includes (Section 12104) provision that Certificate of Documentation is conclusive evidence of nationality for international travel purposes, and that a trade endorsement is also conclusive evidence of authority to engage in that trade.	46 CFR Part 67, 68
46 U.S.C. 12111	<u>Surrender/Invalidation.</u> Specifies conditions under which a certificate of documentation must be surrendered or invalidated.	46 CFR Part 67
46 U.S.C. 12119	<u>List of Documented Vessels.</u> Requires periodic publication of a list of all documented vessels.	
46 U.S.C. 12502	<u>Identification Numbers.</u> Requires recording of a name selected by the owner of documented vessel, approved by the Secretary, and that name of vessel once established may not be changed without the approval of the Secretary. Provides authority to require vessel markings. Provides that number or marking may not be tampered with or falsified.	
46 U.S.C. 31301-31343 Selected Provisions	<u>Maritime Mortgages & Liens.</u> Provides recording mechanisms, notice requirements, and technical provisions for ships mortgages, preferred ships mortgages, and maritime liens.	19 CFR Part 24 ; 46 CFR Part 67 46 CFR Part 221



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46 App. U.S.C. 14	<u>Documentation After Wreckage in U.S. Waters.</u> Authorizes the Coast Guard to document certain vessels for the coastwise trade or fisheries if the vessel was wrecked in U.S. waters and repaired in the U.S., if the cost of repairs exceeds 3 times the appraised salved value.	46 CFR Part 67
46 App. U.S.C. 277	<u>Inspection of Vessel Documents.</u> Authority to stop vessels to inspect vessel documents.	46 CFR Part 67
46 App. U.S.C. 802 & P.L. 105-383 (♣421).	<u>Ownership of Vessels.</u> Specifies when a corporation, partnership, or association is a citizen of the U.S. for purposes of coastwise trade. P.L. 105-383 specifies that the chief executive officer, regardless of title, be a U.S. citizen	19 CFR Part 4; 46 CFR Part 67, 355, 548
46 App. U.S.C. 808	<u>Vessels Obtained from the Secretary of Transportation & Restrictions on Vessel Transfers to Foreigners.</u> Authorizes the Coast Guard to document vessels purchased, chartered, or leased from the Secretary of Transportation. Restricts the sale, transfer, charter, operation, or mortgage of a U.S. documented vessel to a foreigner.	19 CFR Part 4; 46 CFR Part 67, 221
46 App. U.S.C. 835-837 See also 46 U.S.C. Chapter 313	<u>Recording the Sale or Disposition of Vessels.</u> Imposes requirements for recording the sale or disposition of vessels and authorizes criminal penalties for falsifying required information. Establishes Prima Facie Evidence, Forfeitures and procedure in the event of war.	46 CFR Part 67, 221
46 App. U.S.C. 883-883b	<u>Coastwise Trade.</u> Requires that coastwise trade be conducted only by documented vessels built in the U.S. and otherwise qualified for coastwise trade. Under 1 st proviso, coastwise trading privilege is lost if vessel is sold, registered, or rebuilt by or to foreign interests. 2 nd proviso provides for loss of coastwise privilege for vessels rebuilt outside the U.S.	19 CFR Part 4; 171; 46 CFR Part 67, 68
46 App. U.S.C. 883-1	<u>Corporations & Documentation for Coastwise Trade.</u> Provides that certain defined corporations will be considered citizens of the U.S. for purposes of vessel documentation laws related to the coastwise trade.	19 CFR Part 4; 46 CFR Part 44, 67, 68
46 U.S.C. 12111 (c)(3)	<u>Denial of Surrender.</u> Specifies conditions under which the Coast Guard must deny the surrender of a vessel document.	46 CFR Part 67, 221



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50 U.S.C. 198	<u>Foreign Vessels Obtained Via Presidential Emergency Powers.</u> Authorizes the Coast Guard to document foreign vessels obtained through exercise of the President's emergency powers.	46 CFR part 4 46 CFR part 73 46 CFR part 74 30 CFR part 723.
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International Instruments

- ◆ *Convention on the High Seas* (1958), 13 UST 2312, TIAS 5200, 450 UNTS 82. Requires documentation of flag state vessels.
- ◆ *United Nations Convention on Law of the Sea* (UNCLOS). (1982) 21 I.L.M. 1261. Articles 91-94 – Nationality of Ships and duties of flag state.



Chapter 23. Merchant Vessel Personnel

Section 23.01 Licensing & Certification

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
46 U.S.C. 2115	<u>Drug and Alcohol Testing.</u> Imposes civil penalty of not more than \$1,000 per day for marine employees and employers who violate the Coast Guard's chemical testing (for dangerous drugs or alcohol) regulations.	33 CFR Part 27 46 CFR Part 16 ; 49 CFR Part 40
46 U.S.C. 7101	<u>Authority to Issue Licenses.</u> Authorizes the issuance of licenses to masters, mates, pilots, engineers, operators, and radio officers and authorizes the promulgation of regulations concerning licenses. Also authorizes the issuance of certificates of registry to pursers, doctors, and nurses.	46 CFR part 5 46 CFR part 16 See Also, 46 CFR Parts 1, 10,
46 U.S.C. 7102	<u>Citizenship Requirement.</u> Requires that any individual holding a license or certificate of registry on a documented vessel be a U.S. citizen.	46 CFR Part 10, 15
46 U.S.C. 7103	<u>Radio Officers.</u> Sets out certain requirements for the issuance of a license as a radio officer.	46 CFR Part 10,
46 U.S.C. 7104	<u>Medical Personnel.</u> Sets out certain requirements for the issuance of a certificate of registry for doctors and nurses.	46 CFR Part 10,
46 U.S.C. 7105	<u>Oath.</u> Requires applicants for licenses to take an oath concerning performance of duties.	46 CFR Part 10,
46 U.S.C. 7106-7109	<u>Termination, Renewal, & Review.</u> Sets time limits on the validity of licenses and certificates of registry, provides for automatic termination in certain circumstances, authorizes renewal of licenses and certificates, and authorizes review of criminal records of applicants for renewal.	46 CFR Part 10,, 12
46 U.S.C. 7110	<u>Display.</u> Requires licensed individuals to display their license in a conspicuous place on the vessel on which they are employed.	46 CFR 26, 78, 97
46 U.S.C. 7111	<u>Fishing Industry Vessel Licenses.</u> Permits applicants for fishing industry vessel licenses to take oral examinations.	46 CFR Part 10,



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46 U.S.C. 7112	<u>Pilot Endorsements.</u> Authorizes the endorsement as a pilot on master's or mate's licenses if the holder meets the requirements for a pilot's license.	46 CFR Part 10,
46 U.S.C. 7114	<u>Fees.</u> Permits the setting of reasonable fees for licenses related to small passenger vessels and sailing school vessels.	46 CFR Part 10,
46 U.S.C. 7501-7505	<u>Procedures for Issuance.</u> General procedures relating to issuance of licenses, certificates, and merchant mariners' documents, including reviewing the Natl. Drivers Registry, a provision that a drug conviction within 10 years is a basis for denial and reimbursement for expenditures.	46 CFR Part 10,, 12
46 U.S.C. 7706 current link not available at the time of publication, see data base.	<u>Drug testing reporting.</u> Requires that positive drug test results be provided to the Coast Guard.-- not later than 2 weeks after Medical Review Officers receive a verified positive report of a civilian employee of a Federal agency, an officer in the Public Health Services, or an officer in the National Oceanic and Atmospheric Administration	



International Instruments

- ◆ *Convention Concerning the Minimum Requirements of Professional Capacity for Masters and Officers on Board Merchant Ships* (ILO No. 53)(1936), 54 Stat. 1683, TS 950, 3 Bevans 281, 40 UNTS 153.



Section 23.02 Merchant Marine Documents

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
46 U.S.C. 7302	<u>Authority to Issue Documents.</u> Authorizes the issuance of merchant mariners' documents to qualified individuals required to hold a document, authorizes the promulgation of necessary regulations, and requires NDR and criminal background check.	46 CFR part 12 See Also, 46 CFR Part 5, 166
46 U.S.C. 7303	<u>Retention of Documents.</u> Requires holders of merchant mariners' documents to retain the documents.	46 CFR Part 1, 5, 10, 12, 166
46 U.S.C. 7305	<u>Oath.</u> Requires an applicant for a merchant mariner's document to take an oath concerning performance of duties.	46 CFR part 12
46 U.S.C. 7306-7311a	<u>Able Seaman.</u> Establishes the minimum general and service requirements to qualify for various classifications of able seaman.	46 CFR Part 5, 10, 12, 14
46 U.S.C. 7313-7314	<u>Engine Department.</u> Sets out the general and service requirements for the issuance of a document endorsed "qualified member of the engine department".	46 CFR Part 5, 10, 12, 14
46 U.S.C. 7315	<u>Formal Training as a Substitute for Service Requirements.</u> Authorizes the Coast Guard to accept training or course work as a substitute for service requirements for endorsement as able seaman or qualified member of the engine department.	46 CFR Part 10, 12, 166
46 U.S.C. 7316	<u>Lifeboatman.</u> Establishes the minimum standards for endorsement as lifeboatman.	46 CFR Part 5, 10, 14
46 U.S.C. 7317	<u>Tankerman.</u> Establishes the minimum standards for endorsement as tankerman.	46 CFR Part 5, 10, 12, 13 14
46 U.S.C. 7318	<u>Great Lakes Radio Operator.</u> Sets out requirements for endorsement as a radio telegraph operator for the Great Lakes.	46 CFR Part 5, 10, 14
46 U.S.C. 7319	<u>Merchant Mariner Document (MMD's) Records.</u> Requires Secretary to maintain records of MMD's; records are not available to the public.	46 CFR Part 12,



Section 23.03 Vessel Manning

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
46 U.S.C. 7312	<u>Able Seaman Required.</u> Sets out the percentage of able seamen of different classifications required on different classes of vessels.	46 CFR Part 15
46 U.S.C. 8101-8105	<u>Crew Composition.</u> Provides for the composition, citizenship, working hours, and other limitations affecting the complements of licensed individuals and crew on certain vessels, requires a safety watch onboard passenger vessels, and provides penalties for violations.	19 CFR Part 4; 46 CFR Part 10, 12, 15, 31, 35, 167
46 U.S.C. 8301-8304	<u>Minimum Number of Licensed Personnel.</u> Provides for the minimum number of licensed individuals, including masters, for certain vessels of the U.S.; establishes the staff department (medical and purser's divisions), restricts service under certain licenses; and implements the Officers Competency Certificate Convention of 1936.	46 CFR 15, 31,
46 U.S.C. 8501-8503	<u>Roles of State & Federal Pilots.</u> Provides for State regulated pilotage, requires certain coastwise seagoing vessels to carry Federal pilots, and authorizes the Coast Guard to require a Federal pilot on vessels engaged in foreign commerce and operating on the navigable waters of the U.S. when a pilot is not required by State law.	46 CFR Part 15, 70
46 U.S.C. 8701-8704	<u>Unlicensed Personnel & Tankermen.</u> Sets requirements for unlicensed personnel on certain vessels, requires a merchant mariner's document in certain circumstances, and sets requirements for tankermen.	46 CFR Part 12, 13, 15, 35, 70,
46 U.S.C. 8901-8906	<u>Freight, Small Passenger, & Uninspected Vessel Manning.</u> Provides for manning of freight vessels, small passenger vessels, uninspected passenger vessels, and towing vessels, and provides for exemptions and penalties.	46 CFR Part 15 31
46 U.S.C. 9101	<u>Foreign Flag Tank Vessel Manning.</u> Requires manning standards for certain foreign flag tank vessels carrying oil or hazardous material and operating on the navigable waters of the U.S.	46 CFR Part 153 46 CFR Part 154 See Also, 33 CFR 151, 157; 46 CFR Part 15, 30, 107, 153-154,



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46 U.S.C. 9102	U.S. Flag Tank Vessel Manning. Requires manning standards for U.S. tank vessels.	46 CFR Part 15 & 35
46 U.S.C. 9301-9308	Great Lakes Pilotage. Pilotage requirements for U.S. vessels sailing under register and foreign flag vessels operating on the Great Lakes. Provides for reciprocal recognition of registered pilots between Canada and the U.S., and penalties for violations..	46 CFR Part 15 , 401-403



International Instruments

- ◆ *Convention Fixing the Minimum Age for the Admission of Children to Employment at Sea* (ILO No. 58) (1936), 54 Stat. 1705, TS 952, 3 Bevans 294, 40 UNTS 205.



Section 23.04 Merchant Seaman Records & Welfare

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
46 U.S.C. 7319	<u>Record of Issued Documents.</u> Requires the Coast Guard to maintain a record of each merchant mariners' document issued. These records are not open to the public.	46 CFR part 15 See Also, 46 CFR Part 12, 14
46 U.S.C. 7502	<u>Computerized Record of Documents & Status.</u> Requires the Coast Guard to maintain computerized records of all licenses, merchant mariners' documents, and endorsements granted, refused, suspended, or revoked.	46 CFR part 10 See Also, 46 CFR Part 12, 14
46 U.S.C. 10101-10104 Selected Provisions	<u>Merchant Seamen Protection and Relief.</u> Requires masters with unlicensed personnel aboard (under 46 U.S.C. 8701(a)) to submit reports to vessel owners concerning engaging and discharging of seamen. Also requires master or other individual in charge of a documented vessel to report complaints of sexual offenses to the Coast Guard.	
46 U.S.C. 10301-10321	<u>Engagement and Discharge of Seamen on Foreign and Intercoastal Voyages.</u> Sets out procedures for the engagement and discharge of seamen on foreign and intercoastal voyages.	46 CFR Part 12, 14
46 U.S.C. 10501-10509	<u>Engagement and Discharge of Seamen on Coastwise Voyages.</u> Sets out the procedures for the engagement and discharge of seamen on coastwise voyages.	46 CFR Part 12, 14
46 U.S.C. 10601-10603	<u>Seamen on Fishing Voyages.</u> Sets out special provisions concerning seamen on fishing voyages.	46 CFR Part 28
46 U.S.C. 10701-10711 Selected Provisions	<u>Effects of Deceased Seamen.</u> Prescribes how the effects of deceased seamen are to be disposed of.	
46 U.S.C. 10901-10908	<u>Proceedings on unseaworthiness.</u> Sets out procedures for crews to formally complain about a vessel's unfitness or the quality/quantity of their food or water.	
46 U.S.C. 11101-11112	<u>Health & Welfare of Seamen.</u> Prescribes various health and welfare protections for seamen and imposes civil penalties for failure to provide them. Also provides that a ship's master is entitled to a lien for wages.	46 CFR Part 328



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46 U.S.C. 11301-11303	<u>Logbook Entries.</u> Require masters of vessels of at least 100 gross tons and on a foreign voyage to maintain an official log book with specific entries.	46 CFR Part 35, 78, 97, 109, 131, 169, 196
46 U.S.C. 11501-11507	<u>Offenses of Seaman.</u> Specify offenses of seamen, and penalties, and provide for enforcement and the disposition of resulting forfeitures.	46 CFR Part 5



International Instruments

- ◆ *Convention Concerning the Liability of the Shipowner In Case of Sickness, Injury, or Death of Seamen* (ILO No. 55) (1936), 54 Stat. 1693, TS 951, 3 Bevans 287, 40 UNTS 169.



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Chapter 24. Environmental Protection

Section 24.01 Oil Pollution

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
26 U.S.C. 9509	Oil Spill Liability Trust Fund (OSLTF). While the uses of this fund are generally controlled under 33 U.S.C. 1321 (oil spill response) and 33 U.S.C. 2701 <i>et seq.</i> (OPA 90 removal cost and damage claims) this provision provides some limits on the use of the fund, <i>e.g.</i> no more than \$1 billion per oil incident and no more than \$500 million of that for natural resource damage compensation.	33 CFR 133, 136, 138
33 U.S.C. 1227	Investigation of Environmental Incidents. Authorizes investigation of any incident, accident, or act that affects or may affect environmental quality of the navigable waters.	33 CFR part 110 See Also, 46 CFR Part 4
33 U.S.C. 1254(i) & (j)	Oil Pollution Research. Authorizes the Coast Guard to cooperate with the Environmental Protection Agency in research related to the removal, prevention, control, and elimination of oil and hazardous substances pollution; and authorizes the Coast Guard to conduct research with regard to equipment to receive, retain, treat, or discharge human wastes on ships, with particular emphasis on recreational vessels.	40 CFR part 40 40 CFR part 45 40 CFR part 46 9 CFR part 307 9 CFR part 319 9 CFR part 320 See Also, 9 CFR Part 319, 381 ; 40 CFR Part 12.
33 U.S.C. 1319(c)	Enforcement of FWPCA. Provides Criminal Penalties for discharges of oil and other violations of the FWPCA.	40 CFR part 413 40 CFR part 22



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33 U.S.C. 1321-1330 (Federal Water Pollution Control Act). Selected Provisions	<p><u>Discharge of Oil & Hazardous Substances.</u></p> <p>Prohibits the discharge of oil or designated hazardous substances into or upon the navigable waters of the U.S., adjoining shorelines, or into or upon the waters of the contiguous zone or waters over which the U.S. exercises exclusive management authority under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) in quantities which may be harmful.</p> <p>Authorizes the Coast Guard to issue and enforce pollution prevention regulations; to assess penalties for unlawful discharge of oil and hazardous substances, and for violation of prevention and removal regulations; to require vessels to have evidence of financial responsibility; and to require notification of discharges.</p> <p>Provides Federal authority to respond to oil discharges or substantial threats of discharge to navigable waters.</p> <p>Provides for the establishment of a National Response System and a National Contingency Plan to guide private parties and Federal authorities removing a discharge.</p> <p>Authorizes withholding of a clearance or permit if any owner, operator, or person in charge of a vessel is liable or believed to be liable for a civil penalty under the Federal Water Pollution Control Act. <i>See</i> 33 U.S.C. 2701 <i>et seq.</i>, and 26 U.S.C. 9509.</p>	19 CFR part 4 30 CFR part 254 33 CFR part 1 33 CFR part 20 33 CFR part 25 33 CFR part 150 33 CFR part 151 33 CFR part 153 33 CFR part 154 33 CFR part 155 33 CFR part 156 33 CFR part 300 40 CFR part 9 40 CFR part 110 40 CFR part 112 40 CFR part 300 40 CFR part 302 43 CFR part 29 46 CFR part 31 46 CFR part 33 46 CFR part 35 46 CFR part 56 46 CFR part 71 46 CFR part 78 46 CFR part 91 46 CFR part 97 46 CFR part 105 46 CFR part 115 46 CFR part 126 46 CFR part 131 46 CFR part 162 46 CFR part 176 46 CFR part 189 46 CFR part 196 49 CFR part 130 49 CFR part 174 49 CFR part 190 49 CFR part 194 See Also, 33 CFR Part 151 , 153-156 ; 40 CFR Part 114 , 125 , 300 .
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33 U.S.C. 1471-1487 Selected Provisions	<u>Intervention to Address High Seas Pollution Threats to U.S. Coastal Interests.</u> Authorize the Coast Guard to take intervention action on the high seas when a vessel accident results in a grave and imminent danger to the coastline or related interests of the U.S. from oil or hazardous substances pollution or the threat of oil or hazardous substances pollution.	
33 U.S.C. 1901-1915 (APPS)	<u>MARPOL Implementation.</u> Implements the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78). Section 1903 authorizes the Coast Guard to enforce provisions of the MARPOL convention, the Act to Prevent Pollution from Ships, and Annex IV of the Antarctic Protocol relating to discharges of vessels on the high seas and the EEZ.	19 CFR 4; 33 CFR Part 151, 155, 156, 157; 46 CFR Part 25, 98, 162
33 U.S.C. 2701-2720 Selected Provisions	<u>Oil Pollution Liability.</u> The Oil Pollution Act of 1990 (OPA 90) is the principal liability regime for oil spills to navigable waters. Liability of owners, operators and, for vessels, demise charterers, is joint, several, and strict for removal costs and damages resulting from a discharge or substantial threat of discharge of oil to navigable waters. Authorizes procedures for payment of claims from the Oil Spill Liability Trust Fund; also authorizes regulations for maintaining evidence of financial responsibility, and for withholding clearance and denying entry of vessels failing to produce evidence of financial responsibility. (<i>See</i> 26 U.S.C. 9509)	33 CFR 133, 136, 138, 153-158
33 U.S.C. 2731-37 Selected Provisions	<u>Prince William Sound.</u> Provides for a citizens' advisory council to exercise oversight over Prince William Sound and Cook Inlet oil transportation.	33 CFR Part 1, 133, 135, 136, 138; 40 CFR Part 112



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33 U.S.C. 2761	<u>Interagency Oil Pollution Research Committee.</u> Establishes an interagency committee (whose membership includes the Department of Transportation and the Coast Guard) to coordinate a comprehensive program of oil pollution research, technology development, and demonstration among the federal agencies, in cooperation and coordination with industry, universities, research institutions, State governments, and other nations, as appropriate, and to foster cost-effective research mechanisms, including the joint funding of research.	
46 U.S.C. 3715	<u>Lightering.</u> Establishes conditions for lightering operations involving oil or hazardous substances.	33 CFR part 155 33 CFR part 156 46 CFR part 39
46 U.S.C. 3716	<u>Disposal of Tank Washing Fluids.</u> Requires tank vessels to dispose of tank washing fluids in accordance with applicable discharge standards.	33 CFR Part 157
46 U.S.C. 4701-4705	<u>Abandoned Barge Act of 1992.</u> Authorizes the removal of abandoned barges and a civil penalty of not more than \$1,000 for each day of a violation under the Act.	
33 U.S.C. 59kk link not available at time of publication, see data base.	<u>Wateree River.</u> Declares as non-navigable For purposes of bridge administration, selected areas of the Wateree River in South Carolina	
P.L. 105-160 (♣10)	<u>Interagency Reimbursement for Services of Administrative Law Judges.</u> Authorizes all adjudicatory functions of Administrative Law Judges required with respect to any marine resource conservation law or regulation administered by the Secretary of Commerce acting through the National Oceanic and Atmospheric Administration to be performed by the United States Coast Guard on a reimbursable basis.	



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P.L. 105-383 (♣307)	<u>Oil Defined.</u> Clarifies that the definition of oil for purposes of OPA 90 excludes both petroleum oils and chemical oils that are hazardous substances subject to CERCLA. This assures no overlap between title I of OPA 90 and CERCLA.	
P.L. 105-383 (♣311)	<u>Towing Vessel & Barge Safety in the Northeast United States.</u> Secretary required to promulgate regulations for towing vessel and barge safety for the waters of the Northeast (subject to jurisdiction of First CG District and including waters of Long Island Sound). Also requires separate regulations to address anchoring and barge retrieval systems. Regulations must consider recommendations in Regional Risk Assessment of Petroleum Transportation in Waters of the Northeast U.S. Report. (The report was in response to M/V NORTH CAPE oil spill in 1996.)	
P.L. 105-66 (♣341)	<u>Edible Oils.</u> Provides that none of the funds made available in the FY-97 DOT Appropriations Bill may be used by the Coast Guard to issue, implement, or enforce a regulation under the Edible Oil Regulatory Reform Act (Public Law 104-55) that does not recognize and provide for certain physical and environmental impact differences between edible and non-edible oils. (Note: This limitation of authority was established as part of the DOT FY-97 Appropriations Bill and expires unless renewed annually. It was renewed in 1998)	
E.O. 12777	<u>Responsibility for Mitigation of Discharges.</u> Delegates the President's authority for response to discharges, or threats of discharges, of oil and hazardous substances into the navigable waters of the U.S. pursuant to the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321), under the National Response System; to promulgate pollution prevention regulations; to manage the Oil Spill Liability Trust Fund; and to perform other functions provided by OPA 90	33 CFR Part 133, 138, 151, 153-155



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International Instruments

- ◆ *Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter* (1972), 26 UST 2403, TIAS 8165.
- ◆ *Agreement on Great Lakes Water Quality*, 1978 (1978), 30 UST 1383, TIAS 9257.
- ◆ *International Convention for Prevention of Pollution of the Sea by Oil* (1954), 12 UST 2989, TIAS 4900, 327 UNTS 3. Amendments (1962), 17 UST 1523, TIAS 6109, 600 UNTS 332; (1969), 28 UST 1205, TIAS 8505. Protocol (1978), 94 Stat. 2297 17 ILM 546. The 1978 Protocol supercedes the 1954 Convention as between the contracting parties to the 1978 Protocol.
- ◆ *International Convention for the Prevention of Pollution from Ships 1973* (1973), 121 ILM 1319. Protocol (1978), 94 Stat. 2297 17 ILM 546. The 1978 Protocol incorporates the provisions of the 1973 Convention, which is not intended to enter into force on its own. *Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter* (1972), 26 UST 2403, TIAS 8165.
- ◆ *Agreement Concerning Assistance to be Rendered on a Reimbursable Basis by the United States Coast Guard in the Event of Major Oil Spills* (1976), 27 UST 3788, TIAS 8396. Agreement with **Bermuda**.
- ◆ *Agreement of Cooperation regarding Pollution of the Marine Environment by Discharges of Hydrocarbons and other Hazardous Substances* (1980), TIAS 10021. Agreement with **Mexico**.
- ◆ *Agreement Relating to the Establishment of Pollution Contingency Plan for Spill of Oil and Other Noxious Substances*, (1974), 25 UST 1280, TIAS 7861. Agreement with **Canada**.
- ◆ *Environmental Agreement; Project 02.06-11 Prevention and Cleanup of Pollution of the Marine Environment from Shipping* (1976), unpublished. Agreement with **U.S.S.R.**
- ◆ *International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties* (1969), 26 UST 765, TIAS 8086.
- ◆ *Marine Pollution Contingency Plan for the Island States and Territories for the Wider Caribbean Region* (1984), unpublished.



Section 24.02 Control of Other Pollutants

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
14 U.S.C. 690-693	<u>Environmental Compliance and Restoration (EC&R) Program at Coast Guard Facilities.</u> Establishes an EC&R program for prevention of pollution and environmental restoration of Coast Guard facilities. Requires the Coast Guard to identify and clean up existing contamination from hazardous substances and pollutants, and respond to any release of hazardous substances at present (or former) Coast Guard facilities. The Secretary is required to submit an annual report to Congress describing progress in administering this program.	
33 U.S.C. 407-421	<u>Refuse in Navigable Waters.</u> Prohibits the deposit of refuse in the navigable waters of the U.S..	33 CFR part 245 33 CFR part 64 33 CFR part 70 33 CFR part 209 33 CFR part 70 See Also 33 CFR 151, 157
33 U.S.C. 413	<u>Violations of the Refuse Act.</u> Authorizes the enforcement and arrest of any person who violates the Refuse Act.	33 CFR 151, 326 33 CFR part 245 33 CFR part 209
33 U.S.C. 1311	<u>Discharge of Pollutants Prohibited.</u> Prohibits Pollutant (effluent)discharges except in compliance with law.	See, http://www4.law.cornell.edu/cgi-bin/usc-cfr.cgi/33/1311 for a complete list of parallel authorities.
33 U.S.C. 1322(l)	<u>Marine Sanitation Devices (MSD).</u> Requires approved MSD in vessels equipped with toilets. Permits persons authorized by the Secretary to board and inspect vessels to enforce MSD requirements.	33 CFR part 159 40 CFR part 140 40 CFR part 413 See also, 33 CFR Part 1
33 U.S.C. 1401-1441 Selected Provisions	<u>Ocean Dumping.</u> Authorizes the Coast Guard to conduct surveillance and other appropriate enforcement activity to prevent the unlawful transportation of material for dumping, or unlawful dumping.	



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42 U.S.C. 9603	<u>Notification of Release of Hazardous Substance.</u> Requires notification to National Response Center if a reportable quantity of a hazardous substance is released to the environment. Civil and criminal penalties apply if fail to report.	33 CFR part 159 40 CFR part 140 40 CFR part 413 See Also, 40 CFR Part 110
42 U.S.C. 9604	<u>Threat Response.</u> Provides for Environmental Protection Agency/USCG response to a threat of release into the environment of hazardous substances, pollutants, or contaminants.	40 CFR part 9 40 CFR part 300 40 CFR part 2 40 CFR part 302 See Also, 40 CFR Part 30, 32, 33
42 U.S.C. 9606	<u>Orders to Protect Public Health & Welfare.</u> Authorizes the issuance of orders to protect public health and welfare and the environment from imminent and substantial endangerment because of an actual or threatened release of a hazardous substance from a facility, as defined in 42 U.S.C. 9601 <i>et seq.</i> , the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA)	40 CFR part 9 40 CFR part 300 See Also, 33 CFR 1 ; 40 CFR Part 30, 32, 33
42 U.S.C. 9608	<u>Failure to Produce a Certificate of Financial Responsibility.</u> Authorizes denial of entry to, or detention of, any vessel that does not produce a certificate of financial responsibility required by CERCLA.	40 CFR Part 9 40 CFR Part 300 33 CFR Part 138 See Also, 33 CFR Part 133 ; 40 CFR Part 30, 32, 33
E.O. 12777 , as amended	<u>Delegation of Pollution Response Authority.</u> Delegates the President's authority to respond or discharge, or threats of discharges, of oil and hazardous substances into the navigable waters of the U.S., to promulgate Pollution Prevention regulations, to manage the Oil Spill Liability Trust Fund, and to perform other functions. (See 33 U.S.C. 1321 <i>et seq.</i> ; 33 U.S.C. 2701 <i>et seq.</i> ; and 42 U.S.C. 9601 <i>et seq.</i>	33 CFR Part 133, 138, 151, 153-155
E.O. 12580	<u>Authority to Respond to CERCLA Discharges.</u> Authorizes the Coast Guard to respond to discharges of hazardous substances, pollutants and contaminants pursuant the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA). (See 42 U.S.C. 9601, <i>et seq.</i>).	33 CFR Part 1



U.S. Coast Guard Legal Authorities Part V – Marine Safety, Security, & Environmental Protection



International Instruments

- ◆ *International Convention for the Prevention of Pollution of the Sea by Oil* (1954), 12 UST 2989, TIAS 4900, 327 UNTS 3. Amendments (1962), 17 UST 1523, TIAS 6109, 600 UNTS 322; (1969), 28 UST 1205, TIAS 8505. Protocol (1978), 94 Stat. 2297 17 ILM 546. The 1978 Protocol supersedes the 1954 Convention between the contracting parties to the 1978 Protocol.
- ◆ *International Convention for the Prevention of Pollution from Ships, 1973* (1973), 12 ILM 1319. Protocol (1978), 94 Stat. 2297 17 ILM 546. The 1978 Protocol incorporates the 1973 Convention which is not intended to enter into force on its own.
- ◆ *Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter* (1972), 26 UST 2403, TIAS 8165.
- ◆ *Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other than Oil* (1973), TIAS 10561.
- ◆ *Agreement Relating to the Establishment of Joint Marine Pollution Contingency Plan for Spills of Oil and Other Noxious Substances*, (1974), 25 UST 1280, TIAS 7861. Agreement with **Canada**.
- ◆ *Agreement of Cooperation Regarding Pollution of the Marine Environment by Discharges of Hydrocarbons and Other Hazardous Substances*, (1980), TIAS 10021. Agreement with **Mexico**.
- ◆ *Environmental Agreement; Project 02.06-11 Prevention and Cleanup of Pollution of the Marine Environment from Shipping* (1976), unpublished. Agreement with **U.S.S.R.**
- ◆ *U.S./France Cooperative Agreement on Oceanography*, unpublished.



Chapter 25. Port Safety & Security

Section 25.01 General

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
14 U.S.C. 91	<u>Authority to Control the Movement of Vessels in Navigable Waters.</u> Authorizes the Coast Guard to control the anchorage and movement of vessels in the navigable waters of the U.S. to ensure the safety and security of U.S. naval vessels.	33 CFR Part 17 , 45 , 50 , 51 , 60 , 64 , 66 , 67 , 70
33 U.S.C. 1221-1236 Selected Provisions	<u>Ports and Waterways Safety Act (PWSA).</u> Provides the Secretary with broad authority to regulate the movement, operation and equipment of vessels subject to the jurisdiction of the U.S.	33 CFR part 110 33 CFR part 126 33 CFR part 164 33 CFR Part 160-168
33 U.S.C. 1223	<u>Captain of the Port Orders (COTP).</u> Authorizes Secretary to order vessels to operate as directed or to anchor, and to require pre-arrival notices.	33 CFR part 110 33 CFR part 148 33 CFR part 150 33 CFR part 160 33 CFR part 161 33 CFR part 164 33 CFR part 165 33 CFR part 166 33 CFR part 167 33 CFR Part 162
33 U.S.C. 1225	<u>Safety Zones.</u> Authorizes the Secretary to establish procedures for handling oil and hazardous material, safety equipment requirements, and safety zones.	33 CFR part 110 33 CFR part 126 33 CFR part 165
33 U.S.C. 1226	<u>Port Security.</u> Authorizes the Secretary to take actions to prevent, or respond to, acts of terrorism against vessels and waterfront facilities.	33 CFR part 110 See Also, 33 CFR 127 , 128
33 U.S.C. 1227	<u>Investigations.</u> Authorizes the Secretary to investigate any incident, accident, or act that causes damage to a waterfront facility, affects the safety of a U. S. port, or affects the environmental quality of the navigable waters of the U. S.	33 CFR part 110 See Also, 33 CFR 1 ; 46 CFR Part 4 , 5
33 U.S.C. 1228	<u>Control of Tank Vessel Port Entry.</u> Authorizes the Coast Guard to deny or grant provisional entry into the U.S. territorial sea to tank vessels that are in violation of any U.S. treaty, law or regulation, or that meet other criteria as posing a threat to port safety or the marine environment.	33 CFR part 110 See Also, 33 CFR Part 151 , 158 , 160-164
33 U.S.C. 1232(f)	<u>Clearance Revocation for Violations of the</u>	33 CFR part 110 See Also, 33 CFR



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	<u>Ports & Waterways Safety Act (PWSA).</u> Authorizes the Secretary of the Treasury to, at the request of the Secretary, refuse or revoke a vessel's clearance, when that vessel is liable, or reasonable cause exists to believe that the vessel is liable, to the U.S. for certain civil or criminal penalties related to the PWSA.	Part 151, 158, 160-164
46 U.S.C. 70117. current link not available at time of publication, see data base	<u>Liability for Civil Penalties and Certain Costs.</u> Provide in rem liability for vessels operated in violation of the chapter or any regulations prescribed under the chapter.	
46 U.S.C. 70118. current link not available at time of publication, see data base	<u>Withholding, Refusal or Revocation of Clearance.</u> Provide authority to refuse or revoke clearance if any owner, agent, master, officer, or person in charge of a vessel is liable for a penalty under certain provisions of this chapter.	
46 U.S.C. 70119. current link not available at time of publication, see data base	<u>Port Security, Enforcement by State and Local Law Enforcement.</u> Allows state and local law enforcement officers who hold authority to enforce state criminal law, the parallel authority to make an arrest for a violation of a security zone regulation. Provides for civil penalties not to exceed \$25,000 per violation	
33 U.S.C. 2072	<u>Clearance Revocation for Violations of the Inland Navigation Rules Act of 1980.</u> Authorizes the Secretary to, at the request of the Secretary, refuse or revoke a vessel's clearance, when that vessel is liable, or reasonable cause exists to believe that the vessel is liable to the U.S. for certain civil or criminal penalties related to the Inland Navigation Rules Act of 1980.	33 CFR Part 160
46 U.S.C. App. 876 & 1710a	<u>Sanction Enforcement.</u> Requires the Coast Guard to assist the Federal Maritime Commission in the enforcement of sanctions including denying entry to the U.S. to vessels flagged in States subject to sanctions.	33 CFR Parts 46 Parts 67, 68, 501, 550, 581.



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50 U.S.C. 191-195 Selected Provisions	<u>Direction of Vessels During a Threat to National Security.</u> Provides that during times of declared national emergency, or when the President determines that national security is endangered, the Coast Guard may enforce regulations concerning the movement or anchorage of vessels within the U.S. territorial waters, including vessel seizure and forfeiture, and may fine and imprison the master and crew for noncompliance.	33 CFR part 6 33 CFR part 122 33 CFR part 125 30 CFR part 723 36 CFR part 71 46 CFR part 501 See Also, 33 CFR Part 165
P.L. 105-383 (♣301)	<u>Extension of the Territorial Sea.</u> Extends the territorial sea from 3 to 12 nautical miles for purposes of the Ports and Waterways Safety Act (33 U.S.C. 1222 <i>et seq.</i>) and certain portions of subtitle II of title 46, U.S. Code.	
P.L. 105-383 (♣313)	<u>Ship-Reporting Systems.</u> Authorizes the Secretary, in cooperation with the IMO, to implement and enforce two mandatory ship-reporting systems for ships entering designated areas of the Atlantic Ocean in order to conserve the Northern Right Whale.	
E.O. 12656	<u>Emergency Preparedness.</u> Makes emergency preparedness assignments to Federal departments and agencies.	



Section 25.02 Deepwater Ports & Offshore Terminals, Deep Seabed Mining, and Ocean Thermal Energy Conversion

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
30 U.S.C. 1422 See Generally, 30 U.S.C. 1411-1422	<u>Regulation of Deep Seabed Mining.</u> The Coast Guard is to consult with NOAA concerning safety of life at sea and load line requirements to be imposed as conditions for a license for vessels engaged in deep seabed mining of hard minerals. (Licensing is done by NOAA; enforcement by the Coast Guard.)	
33 U.S.C. 1501-1523	<u>Regulation of Deepwater Ports.</u> Generally authorizes the regulation of deepwater ports; sets forth administrative and other criteria; and establishes liability and penalty provisions.	33 CFR Parts 148-150 ; 46 CFR Parts 54, 56, 110, 197
33 U.S.C. 1509(b)	<u>Safety Regulations for Deepwater Ports.</u> Requires the Secretary of Transportation to issue and enforce regulations for lights, warning devices, safety equipment, and otherwise to promote safety of life and property in any deepwater port and adjacent waters.	33 CFR part 148 33 CFR part 149 33 CFR part 150 46 CFR part 54 46 CFR part 56 46 CFR part 110 46 CFR part 197
42 U.S.C. 9101-9161	<u>Ocean Thermal Energy Conversion Regulations.</u> Requires the Coast Guard to promulgate regulations governing an ocean thermal energy conversion facility or plant-ship licensed under the Ocean Thermal Energy Conversion Act of 1980 (46 App. U.S.C. 1279c). (Licensing is done by NOAA, enforcement by the Coast Guard.)	33 CFR Part 64, 66 ; 46 CFR part 174
42 U.S.C. 9153	<u>Ocean Thermal Energy Conversion Enforcement.</u> Provides exclusive enforcement authority to the Coast Guard for measures related to ocean thermal energy conversion which affect the safety of life & property at sea.	46 CFR part 174
43 U.S.C. 1333 , See Generally, 43 U.S.C. 1331-1356	<u>Safety Regulations for the Outer Continental Shelf.</u> Authorizes the Coast Guard to promulgate and enforce regulations with respect to lights and other warning devices, safety equipment, and other matters relating to the promotion of safety of life and property on artificial islands and fixed structures on the Outer Continental Shelf.	See, http://www4.law.cornell.edu/cgi-bin/usc-cfr.cgi/43/1333 for complete listing of parallel authorities.



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43 U.S.C. 1348	<u>Enforcement of Safety & Environmental Regulations for the Outer Continental Shelf.</u> Authorizes the Coast Guard, along with the Secretaries of the Interior and Army, to enforce safety and environmental regulations promulgated pursuant to the Outer Continental Shelf (OCS) Lands Act, (<i>See</i> 43 U.S.C. 1801 <i>et seq.</i>). Directs the Coast Guard to provide for the inspection of each OCS facility at least annually, and provides for the regulation of health hazards on OCS facilities and enforcement of safety standards.	18 CFR part 284 33 CFR part 143 46 CFR part 142 33 CFR part 140 46 CFR part 26 46 CFR part 185 See Also, 33 CFR 141, 144-147 46 CFR Part 4, 109
43 U.S.C. 1356	<u>Standards for Vessel & Structures Used for Outer Continental Shelf (OCS) Activities.</u> Directs the Coast Guard to issue regulations that require that any vessel, rig, platform, or other vehicle or structure used for OCS activities comply with such minimum standards of design, construction, alteration, manning, and repair as the Coast Guard establishes.	18 CFR part 284 33 CFR part 140 33 CFR part 141 33 CFR part 143 33 CFR part 146 33 CFR Parts 142, 144-147



International Instruments

- ◆ *Convention on the Continental Shelf* (1958), 15 UST 471, TIAS 5578, 499 UNTS 311. Recognizes the right of a coastal state to exert certain rights on its continental shelf. Provides broad-spectrum coastal state authority over regulation of artificial islands, and installations and structures on the continental shelf.



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Section 25.03 Anchorages

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
33 U.S.C. 471	<u>Authority to Establish & Regulate Anchorages.</u> Authorizes the Coast Guard to define and establish anchorage grounds and to prescribe suitable regulations.	33 CFR part 1 33 CFR part 109 33 CFR part 110 33 CFR part 207 See Also, 33 CFR Part 162
33 U.S.C. 472	<u>Marking Anchorages.</u> Authorizes the Coast Guard to mark anchorage grounds.	33 CFR part 62
33 U.S.C. 474	<u>Anchorage in the Saint Mary's River.</u> Authorizes the Coast Guard to prescribe anchorage and vessel movement regulations.	33 CFR Part 162
33 U.S.C. 476	<u>Traffic in Puget Sound.</u> Restricts government from approving facility that would increase tanker traffic in Puget Sound and adjacent waters.	33 CFR Part 162
33 U.S.C. 1223(b)	<u>Vessel Operating Requirements and Authority to Direct a Vessel to Anchor.</u> Authorizes the Coast Guard to direct the anchoring of a vessel if it does not comply with existing regulations, the conditions of port entry, or is a hazard to safety.	33 CFR part 110 33 CFR part 148 33 CFR part 150 33 CFR part 160 33 CFR part 161 33 CFR part 164 33 CFR part 165 33 CFR part 166 33 CFR part 167 See Also, 33 CFR Part 109
33 U.S.C. 2030	<u>Lights & Shapes Displayed at Anchorage on Inland Waters.</u> Prescribes required lights of vessels at anchor in inland waters, including the Great Lakes. Authorizes designation of areas where vessels can anchor without showing anchor lights or shapes. Set forth procedures and requirements for vessels run aground.	33 CFR part 110 See Also, 33 CFR part 109



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Section 25.04 Port Security/Anti-Terrorism

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
33 U.S.C. 1225-1226	Protection of Waterfront Facilities. Provides authorities for the protection of bridges and other waterfront facilities. (See also 46 U.S.C. App. 1803)	33 CFR part 110 33 CFR part 126 33 CFR part 165 , See Also, 33 CFR 125-128
42 U.S.C. 264-272 Selected Provisions	Quarantine. Provides for the Coast Guard (42 U.S.C. 268) to enforce quarantine rules and regulations.	19 CFR 4 ; 21 CFR 5 , 7 , 606 , 640 , 1240 , 1250 ; 42 CFR Part 71 See, http://www4.law.cornell.edu/cgi-bin/usc-cfr.cgi/42/264 for a complete listing of parallel authorities.
42 U.S.C. 5195 See Generally, 42 U.S.C. 5170-5197.	Emergency Preparedness for Critical Infrastructure. Emergency preparedness policy references critical infrastructure issues; CG participates in Emergency Preparedness.	
50 U.S.C. 191	Protection of Waterfront Facilities from Security Threats. Provides authorities for the protection of waterfront facilities from security threats. Authorizes the President to regulate the anchorage and movement of vessels during a national emergency or when the security of the U.S. is endangered.	33 CFR part 6 33 CFR part 122 33 CFR part 125 30 CFR part 723 , See Also, 33 CFR Part 120 , 165
50 U.S.C. 192	Failure to Comply with Orders During a National Emergency. Authorizes the seizure and forfeiture of a vessel, a fine, and imprisonment for failing to comply with Coast Guard regulations or orders during a national emergency.	36 CFR part 71 30 CFR part 723 , See Also, 33 CFR Part 6



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E.O. 10173	<u>Security Risks Posed by Documented Seamen.</u> Prescribes regulations under the Magnuson Act (50 U.S.C. 191) controlling the movement of foreign flag vessels in U.S. territorial waters, and for ensuring that documented seamen do not pose undue security risks.	33 CFR part 6 33 CFR part 125 33 CFR Part 120, 165
E.O. 10421	<u>Physical Security of National Defense Facilities.</u> Provides for the physical security of facilities important to the national defense.	
E.O. 11249	<u>Access to Waterfront Facilities.</u> Authorizes prevention of entry of persons, articles, or things to, or their removal from, vessels and waterfront facilities.	33 CFR part 6 33 CFR part 125 33 CFR Part 120



International Instruments

- ◆ *Convention on Facilitation of International Maritime Traffic* (1965), 18 UST 411, TIAS 6251, 591 UNTS 265. Seeks to minimize international trade impediments by establishing standard forms and procedures for vessel, cargo and crew documentation, and by standardizing port entry requirements.
- ◆ *United Nations Convention on Law of the Sea* (UNCLOS) (1982) 21 I.L.M. 1261. Articles 91-94 – Nationality of Ships and duties of flag state.
- ◆ *1958 Convention on the High Seas* (1958), 13 UST 2312, TIAS 5200, 450 UNTS 82. Requires Documentation of flag state vessels.
- ◆ *Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation* (Rome Convention), 10 March 1988, 27 I.L.M. 668 (1988)(entered into force for the U.S. on 6 March 1995) codified at 18 U.S.C. 2280 (1994).
- ◆ *Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms located on the Continental Shelf*, 10 March 1988, 27 I.L.M. 685 (1988) implemented in the U.S. at 18 U.S.C. 2281 (1994).
- ◆ *International Convention Against the Taking of Hostages*, New York, 17 December 1979, TIAS. 11081.
- ◆ *International Convention for the Suppression of Terrorist Bombings* (<http://www.un.org/law/terrorism.htm>) was adopted by the General Assembly on 25 November 1997 and opened for signing at UN Headquarters from January 1998 until 31 December 1999



PART VI NAVIGATION SAFETY & WATERWAYS SERVICES

Chapter 26. Navigation Safety

Section 26.01 Bridge Administration

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
33 U.S.C. 401 33 U.S.C. 406 33 U.S.C. 502 , See Generally, 33 U.S.C. 401-535i .	<u>Approval of Bridge and Other Construction Plans & Permits under Rivers & Harbors Act.</u> Sections 9, 12, and 18 of <i>Rivers and Harbors Appropriation Act of 1899</i> require approval of location and plans for construction of certain bridges over a navigable water of the U.S.; prohibit bridges that obstruct free navigation of navigable waters of the United States; provide procedures for alteration, removal, or repair of such bridges; and prescribe penalties for violations.	33 CFR part 1 33 CFR part 2 33 CFR part 114 33 CFR part 115 33 CFR part 116 33 CFR part 321 49 CFR Part 1
33 U.S.C. 491-534	<u>Regulation of Bridge Construction under Bridge Act.</u> Codification of <i>[General] Bridge Act of 1906</i> . Requires approval of location and plans for construction of certain bridges; provides for removal or alteration of obstructive bridges; provides authority for requiring navigation lighting of bridges; and prescribes civil and criminal penalties for violations.	33 CFR part 1 33 CFR part 2 33 CFR part 114 33 CFR part 115 33 CFR part 116 33 CFR Part 118 ; 49 CFR Part 1 See Also, parallel table of authorities.
33 U.S.C. 499	<u>Drawbridges.</u> Provides for the regulation of drawbridge operations and prescribes civil and criminal penalties for bridge and vessel owners and operators for violation of regulations.	33 CFR part 1 33 CFR part 2 33 CFR part 109 33 CFR part 114 33 CFR part 115 33 CFR part 116 33 CFR part 209 33 CFR Part 117 ; 49 CFR Part 46
33 U.S.C. 511-524	<u>Truman-Hobbs Alteration of Obstructive Bridges & Federal Cost-sharing.</u> Codification of <i>Truman-Hobbs Act</i> . Authorizes the alteration of bridges determined to be unreasonable obstructions to navigation, provides apportionment of cost formula for Federal funding; prescribes procedures therefore, including provisions addressing applicability of Administrative Procedures Act and availability of judicial review.	33 CFR part 1 33 CFR part 114 33 CFR part 115 33 CFR part 116 33 CFR part 118 49 CFR part 310 49 CFR Part 1



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33 U.S.C. 525, 533	<u>Congressional (Secretarial) Consent for Bridge Construction.</u> Codification of <i>General Bridge Act of 1946</i> . Delegates to the Secretary the consent of Congress for the construction, maintenance, and operation of certain bridges over the navigable waters of the U.S.; requires approval by Secretary of location and plans for construction of those bridges prior to construction; and prescribes civil and criminal penalties for violation of lawful orders relating to maintenance and operation of bridges.	33 CFR part 1 33 CFR part 2 33 CFR part 114 33 CFR part 115 49 CFR part 310 49 CFR Part 1
33 U.S.C. 535-535i	<u>International Bridges.</u> Codification of <i>International Bridge Act of 1972</i> . Governs construction, maintenance, operation, and sale or transfer of bridges connecting the United States to any foreign country.	33 CFR part 114 33 CFR part 115 49 CFR Part 1 49 CFR part 310



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Section 26.02 Communications & Marine Safety Information

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
14 U.S.C. 93(p) & (q)	<u>Authority to Maintain Data Lines and Communication Stations.</u> Authorizes the Commandant to establish, install, abandon, re-establish, reroute, operate, maintain, repair, purchase, or lease telephone and telegraph lines, and cables, together with all facilities, apparatus, equipment, structures, appurtenances, accessories, and supplies, and radio transmitting and receiving stations.	33 CFR part 74
14 U.S.C. 147	<u>Cooperation with NOAA.</u> Authorizes the Commandant to cooperate with the National Oceanic and Atmospheric Administration in the observation and dissemination of weather information, including by procuring, maintaining, and making available, facilities and assistance for observing, investigating, and communicating weather phenomena and for disseminating weather data, forecasts, and warnings.	
44 U.S.C. 1309	<u>Printing of Notices to Mariners.</u> Authorizes the printing of notices to mariners and other special publications.	
47 U.S.C. 357	<u>Relay of Marine Safety Information.</u> Requires the master of every ship of the United States, equipped with radio transmitting apparatus, which meets with dangerous marine conditions or any other direct dangers to navigation, to transmit pertinent information to ships in the vicinity and to the appropriate authorities on land, in accordance with rules and regulations issued by the Federal Communications Commission. Requires appropriate authorities, including Coast Guard ship and land stations, to promptly bring this marine safety information to the knowledge of those concerned.	47 CFR part 80 47CFR part 87 47 CFR part 97



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33 U.S.C. 1201-1208	Bridge to Bridge Radiotelephone Act. Requires the presence of an operating radiotelephone on the navigational bridge of specified vessels and authorize the imposition of civil penalties for violations.	33 CFR part 1 33 CFR part 26 47 CFR part 80 (Subpart F <i>et seq</i>)
33 U.S.C. 1223a	Electronic charts. Establishes, System requirements, exemptions and waivers for specific vessels, while operating on the navigable waters of the United States.	



International Instruments

- ◆ *Agreement for Promotion of Safety on the Great Lakes by Means of Radio* (1974) 25 UST 935, TIAS 7837. Amendment (1978) 30 UST 2523, TIAS 9352. Agreement with **Canada**.



Section 26.03 Short Range Aids to Navigation

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
14 U.S.C. 2	<u>Aids to Navigation as a Primary Duty.</u> Makes the establishment, maintenance, and operation of aids to navigation one of the Coast Guard's primary duties.	33 CFR part 1 33 CFR part 26 33 CFR part 80
14 U.S.C. 81	<u>Authority to Operate Aids to Navigation.</u> Contains the basic authority for the Coast Guard to establish, maintain, and operate maritime and electronic aids to serve the needs of the armed forces or commerce in the United States, on the waters of the continental shelf and other specified places.	33 CFR part 74
14 U.S.C. 84	<u>Interference with Aids to Navigation.</u> Makes it unlawful to change, obstruct, willfully damage, or moor a vessel to an aid to navigation.	33 CFR part 70 33 CFR part 74 118
14 U.S.C. 85	<u>Regulating Aids to Navigation.</u> Provides regulatory authority concerning aids to navigation and prescribes penalties for violations.	33 CFR part 74 33 CFR part 62 33 CFR part 66 33 CFR part 67 33 CFR part 74 33 CFR part 118 33 CFR part 147 33 CFR Part 64, 67,
14 U.S.C. 86	<u>Sunken Wrecks & Obstructions.</u> Authorizes the Coast Guard to mark sunken vessels or other obstructions when the owners fail to properly do so, at owner's expense.	33 CFR part 74 33 CFR part 70 33 CFR Part 64,
14 U.S.C. 93 (b) & (l)	<u>ATON Construction Facilities.</u> Authorizes the Coast Guard to establish, maintain, and operate shore facilities, depots, and yards for the manufacture and construction of aids, and to acquire or discontinue aids as well as assign and transfer vessels and aids among Coast Guard districts.	33 CFR part 74



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14 U.S.C. 642	<u>Payment for Damaged Aids to Navigation.</u> Contains provisions relating to payments for damage to aids to navigation.	33 CFR part 74 33 CFR part 70
14 U.S.C. 643	<u>Rewards for Information re Aids to Navigation and Missing CG Property.</u> Authorizes the Coast Guard to offer and pay a reward for information helpful in the apprehension and conviction of persons interfering with aids to navigation or for information leading to the discovery or recovery of a missing property.	
14 U.S.C. 653	<u>Employment of Draftsmen & Engineers.</u> Authorizes employment of draftsmen and engineers to prepare plans for lighthouses and aids to navigation.	
33 U.S.C. 408 33 U.S.C. 411 33 U.S.C. 412-415	<u>Harbor & River Improvements.</u> Prohibits the taking possession of, use of, or injury to harbor or river improvements; prescribes criminal and civil penalties for violations. <i>See also, Rivers and Harbors Act, Chapter 26.1, supra.</i>	33 CFR part 245 33 CFR part 70
33 U.S.C. 717-776 Selected Provisions	<u>Lighthouse Management.</u> Contains various provisions relating to lighthouses and members of the former lighthouse service.	33 CFR Part 62; 42 CFR Part 31 (for 33 U.S.C 763c)



International Instruments

- ◆ *Agreement on the IALA Maritime Buoyage System* (1982), unpublished.
- International Agreement Regarding the Maintenance of Certain Lights in the Red Sea* (1962), 17 UST 2145, TIAS 6150.



Section 26.04 Radio Aids to Navigation

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
14 U.S.C. 81	<u>Authority to Operate Electronic Aids to Navigation.</u> Contains the basic authority for the Coast Guard to establish, maintain, and operate maritime and electronic aids to serve the needs of the armed forces or commerce in the United States, the waters of the continental shelf, and other specified places.	33 CFR part 74 33 CFR Part 60, 62, 64, 66
14 U.S.C. 82	<u>Air Aids to Navigation.</u> Requires the Coast Guard to cooperate with the Federal Aviation Administration when establishing air navigation aids.	
14 U.S.C. 93 (d) & (f)	<u>Authority to Test & Publish Information About Electronic Aids to Navigation.</u> Authorizes the Coast Guard to collect, publish, and distribute information concerning its operations, and to conduct experiments and investigations with regard to its functions. Under this authority the Coast Guard disseminates information on Loran-C and conducts experiments and investigations regarding radio aids to navigation.	33 CFR part 74



International Instruments

- ◆ **Miscellaneous Agreements.** Electronic stations providing essentially world-wide navigational information are subject to base operating agreements, in which the Coast Guard has an interest, with numerous foreign countries. Some of these agreements involve a transfer of funds.
- ◆ *Agreement Concerning Four OMEGA Navigation System Monitoring Stations in **Canada*** (1978), 30 UST 2840, TIAS 9365.
- ◆ *Agreement Concerning Installation of a Loran-C Transmitting Station at BO, Norway and Loran-C Monitor Stations on Jan Mayen Island and at Holmstad, **Norway*** (1961), unpublished.
- ◆ *Agreement for the Construction, Operation, and Maintenance of a Loran-C Station in **Newfoundland*** (1964), 15 UST 1835, TIAS 5657, 530 UNTS 267.
- ◆ *Agreement for Cooperation on Defense and Economy in Accordance with Articles II and III of the North Atlantic Treaty* (1980) TIAS 9901. Agreement with **Turkey**.
- ◆ *Agreement Regarding the Establishment, Operation and Maintenance of an Omega Navigational Station at Bratland, **Norway*** (1971), 22 UST 1718, TIAS 7199, 807 UNTS 67.
- ◆ *Agreement Relating to the Construction, Operation, and Maintenance of a Loran-C station in the Vicinity of Williams Lake, **British Columbia*** (1976), 27 UST 2611, TIAS 8331.
- ◆ *Agreement Relating to the Establishment of an OMEGA Navigation Facility in **Southeastern Australia*** (1977), 29 UST 2843, TIAS 8979.
- ◆ *Agreement Relating to the Establishment of an OMEGA Navigational Station in Chubut Province, **Argentina*** (1970), 21 UST 2966, TIAS 7022, 776 UNTS 185.



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- ◆ *Agreement Relating to the Establishment, Operation, and Maintenance of an OMEGA Navigational Aid Station in **Japan*** (1972), 23 UST 1480, TIAS 7428, 898 UNTS 55.
- ◆ *Agreement Relating to the Establishment, Operation, and Maintenance of an OMEGA Navigational Station* (1973), 25 UST 1114, TIAS 7635. Amendment (1978), 30 UST 9287, TIAS 9287. Agreement with **Liberia**.
- ◆ *Arrangement for Icelandic Operation of Loran-C Monitor Facility at United States Naval Station, Keflavik, **Iceland*** (1975), 27 UST 4097, TIAS 8429.
- ◆ *Bilateral Infrastructure Agreement* (1954), classified. Amendment (1971). Amendment to agreement with **Italy** authorizes Loran-C station.
- ◆ *Memorandum of Agreement Concerning a Loran-C Transmitting Station on the Isle of Sylt (Schleswig-Holstein)* (1962), unpublished. Agreement with the Federal Republic of **Germany**.
- ◆ *Memorandum of Understanding Concerning the Operation and Maintenance of OMEGA Station Le Reunion* (1981), TIAS 10176. Agreement with **France**.



Section 26.05 Rules of the Road

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
33 U.S.C. 151(a)	<u>COLREGS Demarcation Lines.</u> Authorizes the Secretary of the department in which the Coast Guard is operating to establish appropriate identifiable demarcation lines dividing the high seas from the harbors, rivers, and other inland waters of the United States for the purpose of determining the applicability of special navigational rules in lieu of the COLREGS.	33 CFR part 80 46 CFR part 7
33 U.S.C. 152	<u>Length of Towing Hawsers.</u> Requires the Coast Guard to prescribe regulations limiting the length of hawsers between towing vessels and seagoing barges in tow in inland waters.	33 CFR part 163
33 U.S.C. 1601-1608	<u>Promulgation & Enforcement of COLREGS.</u> Adopts the International Regulations for Preventing Collisions at Sea, 1972, and authorizes the Coast Guard to promulgate and enforce implementing regulations.	32 CFR part 706 32 CFR part 720 32 CFR part 722 32 CFR part 750 32 CFR part 755 32 CFR part 757 32 CFR part 707 33 CFR part 80 33 CFR part 81
33 U.S.C. 2001-2073 for 33 U.S.C. 2071 see data base, updated link not available at time of publication	<u>Inland Rules of the Road.</u> Establishes rules that apply to the navigation of all vessels upon the inland waters of the United States and to vessels of the United States on the Canadian waters of the Great Lakes to the extent there is no conflict with Canadian law.	33 CFR part 110 33 CFR part 26 33 CFR part 80 33 CFR part 84 33 CFR part 85 33 CFR part 86 33 CFR part 87 33 CFR part 88 33 CFR part 89 33 CFR part 90 33 CFR part 95 33 CFR part 110 33 CFR part 163 46 CFR Part 31 , 71 , 91 , 189
E.O. 11964	<u>COLREGS Implementation.</u> Implements the International Regulations for Preventing Collisions at Sea, 1972.	
Proclamation of the President, June 16, 1983.	Implements I.M.O. Resolution A 464 (XII), 1983. 48 F.R. 28634.	



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Proclamation of the President, June 29, 1989.	Implements IMO resolution A.626(15), 1987. 54FR38851.	
Proclamation of the President, March 19, 1991.	Implements IMO resolution A.678(16), 1989. 54FR29219. This document was not available at the time of the most current update.	



International Instruments

- ◆ *Convention on the International Regulations for Preventing Collisions at Sea*, 1972, 28 UST 3459, TIAS 8587. Amendment (1981), TIAS 10672.

Note: The International Regulations for Preventing Collisions at Sea (TIAS 5813), the 1960 COLREGS, have been superseded generally by the entry into force of the 1972 COLREGS, but there may be a period of some confusion until all nations which accepted the 1960 COLREGS become contracting parties to the 1972 COLREGS.



Section 26.06 Vessel Traffic Services

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
33 U.S.C. 1221-1232	<u>Authority to Establish Vessel Traffic Services.</u> Authorizes the Coast Guard to take a variety of actions, including the establishment of vessel traffic control systems, to prevent damage to vessels, bridges, or other structures and to protect the navigable waters of the U.S. from environmental harm; to promulgate necessary rules and regulations; to impose civil penalties; and to seek criminal sanctions.	33 CFR part 110 33 CFR part 126 33 CFR part 164 See Also, http://www4.law.cornell.edu/cgi-bin/usc-cfr.cgi/33/1231 for complete listing of parallel authorities
33 U.S.C. 1221 note 33 U.S.C. 2735	<u>VTS Prince William Sound.</u> Mandates establishment of the vessel traffic service for Prince William Sound, Alaska and certain tank vessel and facility equipment and regulatory standards.	33 CFR part 110 33 CFR part 126 33 CFR part 164 33 CFR part 154 33 CFR part 155
33 U.S.C. 1223	<u>Authority to Operate & Maintain Vessel Traffic Services.</u> Authorizes the Coast Guard to operate a vessel traffic service in any port or place under the jurisdiction of the United States, or to construct, operate, maintain, improve, or expand vessel traffic services, consisting of measures for controlling or supervising vessel traffic or for protecting navigation and the marine environment. These measures may include, but are not limited to, reporting and operating requirements, surveillance and communication systems, routing systems and fairways.	33 CFR part 110 33 CFR part 148 33 CFR part 150 33 CFR part 160 33 CFR part 161 33 CFR part 164 33 CFR part 165 33 CFR part 166 33 CFR part 167



International Instruments

- ◆ *Agreement for a Cooperative Vessel Traffic Management System for the Juan de Fuca Region* (1979) 32 UST 377, TIAS 9706. Agreement with **Canada**.
- ◆ *Memorandum of Understanding Concerning Cooperation in the Field of Transportation* (1977), 29 UST 3577, TIAS 9029. Agreement with the **Netherlands**. Produced a project agreement for development and operation of systems for vessel traffic management at sea and in harbors.
- ◆ *Memorandum Of Understanding Concerning Research Cooperation in Marine Transportation Technology and Systems Research and Development* (1981), TIAS 10172. Agreement with **Canada**.



Chapter 27. Ice Operations

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
14 U.S.C. 2	<u>Icebreaking as a Primary Duty.</u> Provides that one of the primary duties of the Coast Guard is to establish, develop, maintain, and operate icebreaking facilities, for the promotion of safety, for use on the high seas and waters subject to the jurisdiction of the U.S..	33 CFR part 1 33 CFR part 26 33 CFR part 80
14 U.S.C. 93(a)	<u>Authority to Maintain Icebreaking Facilities.</u> Authorizes the Commandant to maintain icebreaking facilities.	33 CFR part 74 See Also, 49 CFR Part 1 , 1.4(b)(iii), 1.46(b)
14 U.S.C. 141 E.O. 7521 (1936)	<u>Ice Breaking in Harbors & Channels.</u> Authorizes the Coast Guard to utilize its personnel and facilities to assist, among others, Federal and State agencies. Under this authority, upon proper request, the Coast Guard conducts icebreaking in harbors and channels to relieve flooding conditions. The Executive order directs the Coast Guard to undertake icebreaking operations for harbors and channels, to meet the reasonable demands of commerce.	33 CFR part 74



International Instruments

- ◆ *Agreement Relating to Coordination between the United States and Canadian Coast Guards of Icebreaking Operations on the Great Lakes and St. Lawrence Seaway System* (1980), TIAS 9950.



Section 27.01 Polar & Other Ice Operations

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
14 U.S.C. 2	<u>Authority to Engage in Polar Operations.</u> Provides that one of the primary duties of the Coast Guard is to develop, establish, maintain, and operate icebreaking facilities on, under, and over the high seas and waters subject to the jurisdiction of the U.S.; and, pursuant to international agreements, operate icebreaking facilities on waters other than high seas and waters subject to the jurisdiction of the U.S..	33 CFR part 1 33 CFR part 26 33 CFR part 80 49 CFR Part 1. 1.4(b)(iii) 1.46(b)
14 U.S.C. 141	<u>Icebreaking Assistance to Other Agencies.</u> Authorizes the Coast Guard to utilize its personnel and facilities to assist, among others, Federal and State agencies. Under this authority the Coast Guard provides icebreaking escort for Navy operations in the Arctic and Antarctic. Icebreaking services are also provided to the National Science Foundation, U. S. Geological Survey, and other federal and state agencies in both the Arctic and the Antarctic.	33 CFR part 74
15 U.S.C. 4109	<u>Support for Arctic Research.</u> Directs OMB to facilitate planning for icebreakers needed to provide a platform for Arctic research, by allocating to the Coast Guard all funds necessary to support icebreaking operations, except for recurring incremental costs associated with specific projects.	
16 U.S.C. 2405 <i>See also the Antarctic Science, Tourism, and Conservation Act of 1996 (P.L. 104-227)</i>	<u>Regulations to Implement Annex IV and Article 15 of the Protocol on Environmental Protection to the Antarctic Treaty.</u> Authorizes the Coast Guard to implement Annex IV to the Protocol and, with the concurrence of the National Science Foundation, Article 15 of the Protocol with respect to vessels. Annex IV to the Protocol (Prevention of Marine Pollution) resembles in many respects MARPOL 73/78. Article 15 (Emergency Response Action) requires each party to provide for prompt and effective response actions to such emergencies as might arise from activities in the Antarctic, and establish contingency plans for response to incidents with potential adverse effects on the Antarctic environment.	18 CFR part 290 15 CFR part 904 45 CFR part 670 45 CFR part 671 <i>See Also, 33 CFR Part 151; ;</i> <i>See also NSF Rules (45 CFR Part 672, 673) and EPA rules (40 CFR Part 8)</i>



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16 U.S.C. 2441	<u>Support of Antarctic Research.</u> Directs the Secretary to facilitate planning for the design, procurement, maintenance, deployment, and operation of icebreakers needed to provide a platform for Antarctic research. All funds necessary to support icebreaking operations, except for recurring incremental costs associated with specific projects, are to be allocated to the Coast Guard.	18 CFR part 290 15 CFR part 904
46 App. U.S.C. 738a	<u>International Ice Patrol.</u> Requires the Coast Guard to maintain an ice patrol during the ice season in the North Atlantic Ocean in the vicinity of the Grand Banks of Newfoundland and to provide enumerated services to mariners.	



International Instruments

- ♦ *Antarctic Treaty* (1959), 12 UST 794, TIAS 4780, 402 UNTS 71. Measures approved - (1961), 13 UST 1349, TIAS 5094; (1962), 14 UST 99, TIAS 5274; (1964), 17 UST 991, TIAS 6058 and 10485; (1966), 20 UST 614, TIAS 6668; (1968), 24 UST 1793, TIAS 7692; (1970), 25 UST 266, TIAS 7796; (1972), 28 UST 1138, TIAS 8500; (1975), TIAS 10486; (1977), TIAS 10735.
- ♦ *Memorandum of Understanding Concerning Cooperation in the Field of Transportation* (1981), TIAS 10222. Agreement with **Finland**.
- ♦ *Agreement Between the Government of the United States of America and the Government of Canada on Arctic Cooperation* (1988).
- ♦ *Exchange of letters between the Coast Guard and Canadian Coast Guard Concerning Cooperation in Arctic Operations.*
- ♦ *Agreement Regarding Financial Support of the North Atlantic Ice Patrol* (1956), 7 UST 1969, TIAS 3597, 256 UNTS 171.
- ♦ *International Convention for the Safety of Life at Sea, 1974* (1974), TIAS 9700. *Rectification* (1982), TIAS 10626. Corrected certain errors in SOLAS 1974. This treaty entered into force on May 25, 1980. It is a multilateral agreement regarding ice patrol services, management, and costs.
- ♦ *Protocol on Environmental Protection to the Antarctic Treaty done at Madrid* (1991) 30 I.L.M. 1455.



Chapter 28. Search & Rescue (SAR)

<i>Code Section</i>	<i>Summary of Provisions</i>	<i>Related CFRs</i>
14 U.S.C. 2	<u>SAR as a Primary Duty.</u> Specifies duty of the Coast Guard to develop, establish, maintain, and operate rescue facilities for the promotion of safety on, under, and over the high seas and waters subject to the jurisdiction of the U.S.	33 CFR part 1 33 CFR part 26 33 CFR part 80
14 U.S.C. 88	<u>Authority to Engage in SAR.</u> Authorizes the Coast Guard to perform any and all acts necessary to rescue and aid persons, and to protect and save property.	
14 U.S.C. 88(c)	<u>False Distress Calls.</u> Provides criminal penalties for false distress calls.	
14 U.S.C. 88(d)	<u>Rescue Swimmer Training.</u> Authorizes the Secretary to establish a helicopter rescue swimming training program which may include rescue diver training.	
14 U.S.C. 93 (a)(h) & (m)	<u>Authority to Maintain SAR Facilities.</u> Authorizes the Coast Guard to maintain air and water patrols, to operate shore facilities, to move vessels from one place to another, to acquire and maintain small boats, to accept voluntary services in times of emergency in order to save lives or protect property, to maintain data circuits, and to maintain radio transmitting and receiving stations.	33 CFR part 74
14 U.S.C. 147a	<u>Helicopters & Medical Emergencies.</u> Authorizes the Coast Guard to provide medical emergency helicopter transportation services.	
14 U.S.C. 500	<u>Lifesaving Medals.</u> Authorizes the Secretary to award lifesaving medals.	33 CFR part 13
14 U.S.C. 654	<u>Sale of Fuel & Supplies.</u> Authorizes the Coast Guard to sell fuel and supplies to vessels.	33 CFR part 1
14 U.S.C. 674	<u>Ready Boats.</u> Requires each Coast Guard small boat station to maintain at least 1 vessel that is fully capable of performing offshore rescue operations within the station's area of responsibility, taking into consideration prevailing weather, marine conditions, and sand bars.	33 CFR part 1
31 U.S.C. 1342	<u>Voluntary Assistance in Emergencies.</u> Authorizes acceptance of voluntary services in emergencies involving safety of human life or the protection of property.	



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42 U.S.C. 5170a-5172	<u>Disaster Assistance.</u> On direction of the President in any major disaster, Federal agencies are authorized to provide general assistance and assistance essential to meet immediate threats to life and property.	
46 U.S.C. 2304	<u>Duty to Render Assistance.</u> Requires a master or individual in charge of a vessel to render assistance at sea so far as possible without placing vessels or persons in serious danger.	
46 U.S.C. 2306	<u>Reports of Lost & Imperiled Vessels.</u> Requires reporting of lost or imperiled vessels.	46 CFR part 4
46 App. U.S.C. 721-731	<u>Salvage Rights.</u> Lists authorities relating to wrecks, and salvage rights.	
47 U.S.C. 363	<u>Global Maritime Distress & Safety System (GMDSS).</u> Authorizes the Coast Guard to make a determination that U.S. documented vessels have the equipment required to implement the Global Maritime Distress and Safety System (GMDSS) installed and operating in good working condition. (This provision is tied into FCC regulations connected with GMDSS.)	47 CFR part 80 47 CFR part 87 47 CFR part 97
P.L. 104-58(♣ 401)	<u>Access to Radar Imagery & Transponder Information.</u> Authorizes the Commandant to allow United States nonprofit maritime organizations access to Coast Guard radar imagery and transponder information to identify and deploy towing vessels for the purpose of facilitating emergency response (Not codified).	



International Instruments

- ◆ *Agreement on the Exchange of Personnel Between the United States Department of Transportation and the Netherlands Ministry of Transportation*, unpublished.
- ◆ *Agreement on the Rescue of Astronauts, the Return of Astronauts, and the Return of Objects Launched into Outer Space* (1968), 19 UST 7570, TIAS 6599, 672 UNTS 119. A multilateral agreement to render assistance to personnel of space craft in distress owing to accident, distress, emergency or unintended landing.
- ◆ *Agreement Relating to Cooperation Between the United States and Canada in Air Search and Rescue Operations along the Common Boundary* (1949), 63 Stat. 2328, TIAS 1882, 6 Bevans 478, 43 UNTS 119.
- ◆ *Agreement Supplementary to the Civil Air Transcript Agreement* (1966), 17 UST 1909, TIAS 6135,



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675 UNTS 24. A bilateral agreement with the **Union of Soviet Socialist Republics** regarding search and rescue operations involving aircraft.

- ◆ *Convention for the Unification of Certain Rules of Law with Respect to Assistance and Salvage at Sea* (1910), 37 Stat. 1658, TS 576, 1 Bevans 780. Multilateral agreement to render assistance to those in peril at sea.
- ◆ *Convention on International Civil Aviation* (1944), 61 Stat. 1180, TIAS 1591, 3 Bevans 944, 15 UNTS 295. Protocols (1954), 8 UST 179, TIAS 3756, 320 UNTS 217; (1962), 26 UST 2374, TIAS 8162; (1968), 19 UST 7693, TIAS 6605, 740 UNTS 21; (1971), 26 UST 1061, TIAS 8092; (1974), 32 UST 322, TIAS 9702. Rectification (1969), 20 UST 718, TIAS 6681. Multi-lateral convention providing for the establishment, maintenance, and operation of search and rescue facilities in the territories of the contracting states.
- ◆ *Convention on the High Seas* (1958), 13 UST 2312, TIAS 5200 450 UNTS 82. A multilateral convention requiring all vessels to render assistance to ships in distress.
- ◆ *International Convention on Maritime Search and Rescue*, 1979, with Annex, unpublished.
- ◆ *International Convention for the Safety of Life at Sea*, 1974 (1974), TIAS 9700. Rectification (1982), TIAS 10626. Protocol (1978), TIAS 10009. A multilateral agreement which provides for assistance to distressed ships, aircraft, or survival craft; a coastal watch for persons in distress near signatory shores; and life saving signaling equipment and approved distress signals.
- ◆ *International Telecommunications Convention* (1973) 28 UST 2495, TIAS 8572. A multilateral convention that specifies that international telecommunication services concerning the safety of life at sea, on land, in the air and outer space be given absolute priority over all other telecommunications.
- ◆ *Treaty for Sending of Vessels for Purposes of Assistance and Salvage* (1935), 49 Stat. 3359, TS 905, 9 Bevans 1015, 168 LNTS 135. Treaty to facilitate assistance to and salvage of vessels within each other's territorial waters. Agreement with **Mexico**.
- ◆ *Treaty Providing for Reciprocal Rights for United States and Canada in Matters of Conveyance of Prisoners and Wrecking and Salvage* (1908), 35 Stat. 2035, TS 502, 12 Bevans 314. Bilateral agreement with **Canada** concerning the use of vessels in search and rescue on the Great Lakes, St. Lawrence Seaway and within thirty miles of the border in the Atlantic and Pacific Oceans.
- ◆ *Agreement Relating to Coordination between the United States and Canadian Coast Guards of Icebreaking Operations on the Great Lakes and St. Lawrence Seaway System* (1980), TIAS 9950.
- ◆ Various temporary provisions of law have authorized and directed the Coast Guard to participate in a program to demonstrate the practicability of extending the Great Lakes - Saint Lawrence Seaway navigation season.